

Scanned Jun 18, 2013

CCA Scanning Cover Sheet



2455640

CaseNumber: WR-72,702-02

EventDate: 08/22/2011

Style 1: LUCIO, MELISSA ELIZABETH

Style 2:

Event code: 11.071 ADD'L VOLUME

EventID: 2455640

Applicant first name: MELISSA ELIZABETH

Applicant last name: LUCIO

Offense: 19.03

Offense code: Capital Murder

Trial court case number: 07-CR-885-B-WR

Trial court name: 138th District Court

Trial court number: 320310138

County: Cameron

Trial court ID: 148

Event map code: GENERIC

Event description:

Event description code:

Remarks: VOL. 2 OF 9

<input type="checkbox"/> Document Scanned	<input type="checkbox"/> Created or <input type="checkbox"/> Appended
Scanned by _____	date _____
Image ID _____	
Comment _____	

Scanned Jun 18, 2013

Court of Criminal Appeals Number:

Cause Number: **07-CR-885-B-WR**

WRIT I

CLERK'S RECORD

VOLUME 2


The State of Texas

vs.

MELISSA ELIZABETH LUCIO

Mailed to the Court of Criminal Appeals on
MARCH 30, 2011

Aurora De La Garza
Cameron County District Clerk


CHRISTINA TUSA
Deputy Clerk

Filed in the Court of Criminal Appeals, at Austin, Texas
the day of , 2011.

Louise Pearson.
Clerk of Court of Criminal Appeals

Deputy

Scanned Jun 18, 2013

SX3 - 51

1 A. Uh huh.

2 CRUZ: Yeah. Okay so these also these aren't bruises. These are mosquito bites.

3 A. No. Those are bruises.

4 CRUZ: What from? It's kinda hard for a kid to bruise back there. Come on – Do you – If
5 we strip the rest of your kids down are they going to have bruises too?

6 A. No. No. Go ahead and strip em.

7 CRUZ: Why only her? Did you plan to have her?

8 A. Yes.

9 CRUZ: You did? She wasn't a mistake?

10 A. Un Unh.

11 CRUZ: Was your husband mad at her?

12 A. No.

13 CRUZ: Why would he say it's more you and not him? He didn't even blame the kids. Also
14 the bite marks – these – the bite marks – it's – these look like adult teeth and there's no way
15 this happened on Thursday. I mean that – that's an old bruise. That's clearly more than four
16 days ago. You know I mean doesn't it look like she got run over by a car? Maybe? Really
17 badly beaten? Why would you just let her lay there and die without eating? What was going
18 through your mind? Hurry up and die?

19 A. No.

20 CRUZ: What as going through your mind? She's gonna get better without food. Sleeping.
21 Beaten up and beaten – Did you think she was going to live and get better by going to sleep?

22 A. I was going to take her to the doctor today.

0224

Scanned Jun 18, 2013

SX3 - 52

1 CRUZ: You were going to take her yesterday and the day before also and that –

2 A. No. Not the day before.

3 CRUZ: and God knows when she got the – When were you going to take her?

4 A. Today.

5 CRUZ: Today? Okay. Well obviously it was your husband that ended up doing it.

6 A. Nobody ended up doing it.

7 CRUZ: The call? Who made the call?

8 A. My daughter did.

9 CRUZ: You daughter did? Okay. Your husband was the one who ended up going to tap her
10 like hey are you okay to check up on her –

11 A. I had already just finished to go check up on her –

12 CRUZ: Okay so you had been checking up on her?

13 A. Yes. About like 10 minutes.

14 CRUZ: Okay if you were laying the bed like this as a kid and your mother left you like that
15 how would you feel? What kind of a mother would you think would leave their child to lay
16 in bed and sleep without food looking like this in this condition. Very fragile. Two years
17 old. What would you think of your mother if this was you? And you were still alive and
18 you were a little bit older. I just want to know – I want to know where you stand. Would
19 you think that the mother was right or would you think the mother was wrong?

20 A. Of course she was wrong.

21 CRUZ: That she was wrong? For what? For doing what?

22 A. Neglectful.

0225

Scanned Jun 18, 2013

SX3 - 53

1 CRUZ: Neglectful? But not knowing – not knowing who hit them? Did you ever question
2 your children on who did this to her?

3 A. Yes because I would always see them horse-playing – they would always be – like
4 [inaudible] each other and she wouldn't see them and my other daughters would get in there
5 and everything and she would get bruised up. I mean she is tiny. She's petite.

6 CRUZ: What happened to her down here? Did she step on something?

7 A. I don't know what happened to her there.

8 CRUZ: No? And this is a rash also. This right here. Okay c'mon. That has to be a hit right
9 there. And that is – that's old. That's definitely not from Thursday. What was she wearing
10 when she fell down from the stairs? Do you remember?

11 A. A jumpsuit.

12 CRUZ: A jumpsuit? Did you always have her fully clothed to hide her bruising?

13 A. Well no. Maybe uh – she had been cold. But she's always with her pants and her
14 [inaudible] shirts.

15 CRUZ: Okay. I'm just waiting for more results on the x-rays and then we'll go – You see
16 right here – it looks like something – you know she was thrown. There's absolutely no way.
17 No way. So it's not you?

18 A. [shaking head no].

19 CRUZ: So you think it's your husband?

20 A. No. We both loved our daughter.

21 CRUZ: Enough to leave her like this? If he's throwing her like that do you think he
22 would've called a doctor faster?

0226

Scanned Jun 18, 2013

SX3 - 54

1 A. Probably.

2 CRUZ: Did you hide the way she looked?

3 A. No. He went to the hotel with the kids –

4 CRUZ: Okay. He saw everything. He saw all her markings?

5 A. No.

6 CRUZ: Which ones did he see?

7 A. I don't know.

8 CRUZ: Which ones did you let him see?

9 A. I don't know – he saw – he saw –

10 CRUZ: Would you let her run around in shorts around in shorts and a tee-shirt in the house?

11 When he was around

12 A. No 'cause it was cold.

13 CRUZ: Okay. I'm going to step out. [inaudible]

14 Cruz leaves room.

15 Melissa puts head down on desk. Sniffing / Crying.

16 Officer enters room. Melissa still has head down.

17 OFFICER: Melissa.

18 A. Uh huh.

19 OFFICER: I'm Detective [inaduble]. I've been going to – uh – Your husband told me to

20 come and ask you – since you're always the one who has Mariah – as far as to explain the

21 injuries. This is your daughter. He would you rather – he would you rather have me come

22 and ask you and you tell me –

0227

Scanned Jun 18, 2013

SX3 - 55

1 Cruz re-enters room, gets keys, leaves.

2 OFFICER: [inaudible] You caused these injuries, right?

3 A. [shaking head no.]

4 OFFICER: you have how many children.

5 A. At home, nine.

6 OFFICER: And three that are already 17 and above.

7 A. Uh huh.

8 OFFICER: That's a lot of children to put up with. So I can see that you know – a stressed

9 mom – stressed parent – I can see it. And Rene, Richard, and Robert they were very hyper,

10 right.

11 A. Well Richard and Gabe – Gabe it was more severe.

12 OFFICER: And you – and your husband that works he tells me that yeah he gets frustrated –

13 stressed out. And he's always after them. So when you saw these pictures – the bite mark –

14 he told me to come and ask you?

15 A. Ask me for what?

16 OFFICER: She had a slow death. A real slow death. And finally she just gave up today.

17 OFFICER 2: Are you even going to defend yourself? Are you even going to say anything?

18 A. I didn't kill my daughter.

19 OFFICER 2: Well, regardless, she's dead. Your daughter is dead. She's gone. I already told

20 we can't bring her back. You can't bring her back. There's nothing you can say or do that's

21 going to bring your daughter back. You can't play these bruises off – these bite marks off –

22 like they didn't happen 'cause they did. You keep saying that you didn't hit her – You didn't

0228

Scanned Jun 18, 2013

SX3 - 56

1 hit her. You had the most time with her. You should know where those bruises came from.

2 And you're saying that you don't? That just doesn't happen to a two-year-old.

3 OFFICER 1: Who did this bite mark?

4 A. I don't know?

5 OFFICER 1: Ma'am Your husband is telling me that you bathe her. So when you saw this

6 huge bite mark what did you say?

7 A. I asked the kids if they had bit her. I asked my daughter if they had bit her. And they

8 said no.

9 OFFICER 1: And that was it?

10 A. Who else can I ask?

11 OFFICER 1: Exactly. Because I think that's your bite mark right there.

12 A. Un unh.

13 OFFICER 1: Or is that your husband's?

14 A. [shaking head no]

15 OFFICER 1: It wasn't your children. You were always with her. Your husband says that he

16 works.

17 A. He was from eleven to two.

18 OFFICER 1: And sometimes he – uh – he closes.

19 A. Uh huh.

20 OFFICER 1: He says [inaudible] You're going to have to ask my wife. She's the one that

21 bathes her. She's the one that changes her. So she's always with you.

22 A. Uh huh.

U 0229

Scanned Jun 18, 2013

SX3 - 57

1 OFFICER 1: Are you covering for your husband?

2 A. No.

3 OFFICER 1: Just your sons?

4 A. No.

5 OFFICER 1: Yes. You are. Yes you are. You're going to tell me that a mom – I mean

6 c'mon. It's your baby. It's your baby. You bathed her. You changed her. She was little.

7 Your baby.

8 You need to tell us. What happened? She a handful? Was she crying?

9 A. No.

10 OFFICER 1: What as she doing that she deserved this? Were you stressed out? Frustrated?

11 A. [shaking head no.] Un unh.

12 Melissa yawning.

13 OFFICER 1: You know what happened. You just don't want to tell us, right?

14 A. [shaking head no] Un unh.

15 OFFICER 1: No? I mean this – your baby doesn't go to daycare. You're the mom. She's

16 with you. The other children they – uh – Sarah – she goes to daycare, right?

17 A. Yes.

18 OFFICER 1: Or that TS [inaduble]?

19 A. Yes.

20 OFFICER 1: The rest of the children? School?

21 A. [Nodding head yes.]

22 OFFICER 1: So what was it? I'm urging you to speak up for your daughter.

0 0230

Scanned Jun 18, 2013

SX3 - 58

1 OFFICER 2: Like I told you earlier. That's the only thing you can do for her. Because it's
2 obvious you didn't do anything else. It's the only thing you can do for her. You said
3 yourself you didn't take her to the doctor because they would see the bruises and think you
4 abused her. Am I right?

5 A. [nodding head yes]

6 OFFICER 2: But if you didn't what would you be scared of?

7 Officer Banda re-enters room.

8 OFFICER 1: To each his own.

9 OFFICER 1: If you didn't do that what would you possibly have to fear – to reject your
10 daughter – to not take your daughter – not give her the medical attention she deserved – she
11 would still be alive – or at least have a fighting chance. You didn't give her that much. You
12 didn't even give her that. You let her sit there all day and die slowly. Painfully. And you
13 had the chance to take her to the doctor but you didn't because you didn't want to be seen as
14 a bad mother. You didn't want the doctor to see those bruises and say oh she's an abuser but
15 you know what she'd still be alive – or at least have a fighting chance.

16 OFFICER 2: Like I told you earlier you're either a cold-blooded killer or it was an accident.
17 This just didn't happen. That just doesn't happen.

18 OFFICER 1: Eventually the children will be talking. Children see what mommy or daddy
19 does. I haven't spoken to the children but right now is the time for you to come clean and
20 tell us what happened to Mariah.

21 Mariah.

22 Ma'am. You've got nothing to say?

0231

Scanned Jun 18, 2013

SX3 - 59

1 A. [shaking head no.]

2 OFFICER 1: Yeah you do. You gotta speak for your daughter.

3 What happened?

4 A. I don't know what happened.

5 OFFICER 1: You can't – you don't know? You're the mom. You're just saying you don't

6 know what happened? You can clearly look at this picture of your daughter covered in

7 bruises all over and that's just the back side with the large teeth mark that came from an

8 adult on the back side and you're the mom and you're the only one that has Mariah

9 throughout the whole day and night and you want us to believe you don't know? You want

10 me to believe that? You're the mom. 12 children. The littlest one. Whom you still bathe

11 and you don't know. That's your answer?

12 A. I did not bruise her like that.

13 OFFICER 1: Then who did? Who did? Who did? You know who did. But you don't want

14 to take responsibility, right. [inaduble] dead. She had a slow death. But you don't want to

15 take responsibility.

16 Is that right?

17 A. I didn't cause her death.

18 OFFICER 1: Then who did? Who did ma'am? You're the mom. I asked dad. Dad said

19 come see you and ask you. You're the one that has Mariah all day.

20 You're not going to speak for her are you.

21 A. What do you want me to say? I did not hurt my daughter!

22 OFFICER 2: Somebody did.

U 0232

Scanned Jun 18, 2013

SX3 - 60

1 OFFICER 1: Who? Then who? You know the situation. This is your daughter. She's
2 always with you. She's not in day care -- not in head start -- she's with you and only you.

3 When you changed her diaper you didn't mind looking at those bruises? And
4 [inaudible] You didn't mind looking at that. You just changed her diaper and went on your
5 own way? Like nothing. All these bruises are inside of her thigh. And nothing?

6 And you expect me to believe that? Oh I didn't cause her death. I didn't do that. But
7 you're okay with that, right. It's okay for her to have these bruises that large teeth mark and
8 that's -- that's fine? Maybe I am looking at a cold-blooded killer right here. No remorse.
9 Don't want to take no responsibility. As a parent. As a parent. Someone caused her death!

10 OFFICER 2: Now's your time to fess up. Now's your time to say it. Now's your time. It
11 didn't bother you when she was alive. Let it bother you when she's dead. It's your chance
12 to speak for her. Now's your chance. She can't speak for herself. She cannot speak for
13 herself.

14 OFFICER 1: We are going to find out what was going on inside that home. One because
15 there are other children in those homes -- in your home .

16 The thing is that I got a mom here -- you can clearly see here -- doesn't know who did
17 that. What's that mean? I didn't cause her death. But yet day by day as she was slowly
18 dying you could easily change her diaper, bathe her, dress her. You could easily do that.

19 OFFICER 2: You can't even cry for this little girl. I think I've seen more officers shed a tear
20 over this than you. More officers who didn't even know your daughter. It affects us this
21 hard and you're just sitting there. You take it like nothing. Oh...nothing's wrong.

22 Nothing's wrong with those pictures. What is going through your head right now? Looking

0 0233

Scanned Jun 18, 2013

SX3 - 61

1 at that bite mark. Looking at all those bruises. You can't ignore those pictures. You can't!
2 Look at that. And you have no explanation. Your explanation is always the kids
3 roughhousing wit her. No. I don't think so. Not like that.
4 OFFICER 1: To me. Honestly. What I'm looking at here. She was tortured. Day after day
5 after day. Mom
6
7
8
9
10

0234

Scanned Jun 18, 2013

Second DVD Recording
of
Melissa Lucio
Custodial Interrogation



0235

Scanned Jun 18, 2013

STATE HABEAS ATTORNEY'S TRANSCRIPTION
OF
STATE'S EXHIBIT 4

0 0236

Scanned Jun 18, 2013

SX 4 - 1

- 1 OFFICER 1: You have an opportunity to remember. The mom. Tell me what happened.
- 2 OFFICER 2: You didn't know to do this... you know who did. You know who was abusing
- 3 her like this. You know who was torturing her like that. You know who led... who was
- 4 responsible for leading her to die a slow painful death. You know that. You know who did
- 5 it. You... Come clean with us right now. Put it all on the table. Be truthful.
- 6 OFFICER 1: Take responsibility to you ma... That's the very least you can do for your own
- 7 daughter. As a parent. 2 years old. She was in this world for 2 years. 2 years. And yeah but
- 8 she didn't go but first day in school... grow up and... you know... be a teenager... teen girls
- 9 do. Make friends. Boyfriend. Leading to the life out there. She's not going to get that
- 10 chance to do that. The very least you can do is give her that. Tell us what happened. Not
- 11 just sit there... staring... blank. Tell us what happened. That's the very least you can do.
- 12 Did you love your m...Did you love her? That's the very least you can do. She's gone.
- 13 She's not gonna experience in life. Growing up. 12, 13 year old. You know how the girls
- 14 are. Friends. Who knows. Sports. Into High School. Prom. Then what's out there.
- 15 College. Whatever. She not going to be able see that. The very least you can do as a mom,
- 16 is tell us what happened. What happened to Mariah? Were you stressed out? Frustrated?
- 17 Was dad stressed out? Was he frustrated? Then what happened? Answer...at least answer
- 18 that... what happened?
- 19 OFFICER 2: Were you frustrated with your husband?
- 20 A: No.
- 21 OFFICER 2: You guys didn't have any marital problems?
- 22 A: Yeah of course we did. Everybody has their up and downs.

0.0237

Scanned Jun 18, 2013

SX 4 - 2

1 OFFICER 2: Absolutely. What does he do for a living?

2 A: He works at Bisabills.

3 OFFICER 2: He works at Bisabills? What does he do?

4 A: He's a cook.

5 OFFICER 2: You can't tell me that supports 8 kids and you. Do you work?

6 A: I used to work.

7 Officer2: Do you work now?

8 A: Huh uh

9 OFFICER 2: You can't tell me that supports all 8 children and you and him? On top of that,
10 you've got a cocaine habit?

11 A: I would get child support from the other kids.

12 OFFICER 2: Even that. Even that. I mean come on. Still jumpin' around from apartment
13 to apartment. Still strugglin' to pay the bills. Why'd you all leave this last apartment?

14 A: We were just thinking to [inaudible] because they were remodeling apartments where we
15 were living. Where we're living at now. So the landlord had let us stay there to berlin til
16 they finish the renovating the apartments. And, we moved there Friday. Thursday night or
17 Friday, I'm not sure that was.

18 OFFICER 2: Even still, you can't tell me that all that money he was making.. on top of the
19 bills.. on top of the clothes you've chosen...

20 A: We don't have no bills.

21 OFFICER 2: You don't have any bills?

22 A: We don't have...we're not paying nothing.

00000238

Scanned Jun 18, 2013

SX 4 - 3

1 OFFICER 2: Well you still have 8 children you have to feed. You also have to eat. You
2 still have to pay rent. And you still have to... he has to buy his crack.

3 A: He just started.

4 OFFICER 2: He just started what?

5 A: Doing drugs again.

6 OFFICER 2: Exactly. And he's content with a 20 a day? Even a 20 a day. Even a rock.

7 Hell I don't know how much you... he used. Does he use a lot? How much does he use?

8 Oh you know how much he uses.

9 A: not a lot.

10 OFFICER 2: More than 20 dollars a day?

11 A: No

12 OFFICER 2: 10 dollars a day?

13 A: 20 dollars.

14 OFFICER 2 : 20 dollars a day.

15 A: Not at.. Not every day.

16 OFFICER 2: Well, but still that's 20 dollars that y'all could be using for food. For clothes
17 and the children. For anything the children need.

18 A: (yawn)

19 OFFICER 2: You can't tell me that doesn't frustrate you. I mean he's out smoking rock and
20 you've gotta take care of all the children. Now what was this? Was this frustration that
21 went a little too far? Or were you planning to kill her? Was it a huge weight off your chest
22 when Mariah died?

U. 0239

Scanned Jun 18, 2013

SX 4 - 4

1 A: No

2 OFFICER 2: Been pregnant half your life. And like you said, never had time for yourself.

3 Never had time to do anything you wanted to do because you were always looking after

4 everybody else.

5 A: It didn't bother me. I was a mother.

6 OFFICER 1: This... doesn't bother you?

7 A: Yes it did.

8 OFFICER 1: It does bother you? But now you know. Now you know to take her to a

9 doctor. Now you know. Now... Now you don't have to find out who did this because

10 actually it was you.. right?

11 OFFICER 2: You're not leading us to believe otherwise. You come up with no explanation

12 for these bruises, for these bite marks, for this torture that this little girl endured. The torture

13 this little girl went through. Especially the last... the last day of her life. Which is today.

14 When she laid there all day in bed suffering. She wasn't sleeping. She was suffering. She

15 was asleep from the pain. She couldn't take the pain. The pain of this beating...these

16 beatings that have been going on. And the only thing you can say is "I don't know how they

17 got there"? If you're such a good mother, you need to stand up for her right now. And tell

18 us exactly what happened. You want us to believe you're a good mother. You want to

19 believe yourself that you're a good mother. Cause you're not believing that right now. And

20 whether it's because you did it, or because you know who did it, that needs to come out.

21 The xrays are gonna come back. And I am pretty sure they are gonna show there was a

22 pattern of abuse. This is not a one time thing. I'm sure the xrays are going to show broken

U. 0240

Scanned Jun 18, 2013

SX 4 - 5

1 bones that have healed. Other trauma to the body. I 'm sure they're gonna show that. And
2 we don't have to answer for that. You and your husband do. Moreso you, because you
3 were the primary caregiver to Mariah. You were the one who took care of her. You were
4 the one that was with her. Day in and Day out. Every Day. All Day. While your husband
5 was at work. While your kids were at school. While your husband was out smoking crack.
6 You're the one who's gonna have to answer for this. Your husband's saying he never saw
7 her with her clothes off. Now we know why. And maybe you're not fully to blame. Maybe
8 you husband's got more to.. more to do with it than what he's saying. But if that's the case,
9 we need to know. We need to know everything needs to come out. The truth needs to come
10 out.

11 OFFICER 1: Now is the time [inaudible]. Now is the time. (pause) Now is the time.

12 OFFICER 2: Mariah's gone. She's in a better place. But unfortunately she can't speak for
13 herself.

14 (sound of door closing)

15 OFFICER 2: Who did this to your baby? Who did this to Mariah? Melissa, who did this to
16 Mariah? Melissa?

17 OFFICER 1: You know.

18 OFFICER 2: How did this happen? How did that happen? How did that happen? How did
19 it happen? The bite didn't kill her. How did the bite happen.

20 (sound of door)

21 OFFICER 1: Eve come out clean to us. At least as.. as a mom. Do it for Mariah. For
22 two... two years she's been with you. So you should be able to explain what happened. Just

000241

Scanned Jun 18, 2013

SX 4 - 6

1 by looking at this picture of Mariah. Bite marks. Look at that. [inaudible] You change
2 her... her diaper. She still wears Pampers. And you telling me as a mom you can clearly
3 look at that and just think nothing of it? This [inaudible] is your daughter.. little baby here.
4 You tell us what happened. What triggered it. What's going on? It's just you and your
5 husband. And your kids. And it should come out from you. You're the mom. I should hear
6 it... hear it from the kids. Your own kids. You tell us. Who caused these injuries? Was it
7 your husband? No answer. Did you?

8 (phone ringing)

9 OFFICER 2: No easy way out of this one. No easy way out, you can't blame that on
10 children. You can't blame that on children. You're not even standing up for yourself. Are
11 you gonna offer any explanation to us? Melissa? Melissa. You gonna offer any explanation
12 for this. Why not?

13 A: I don't know what to tell you.

14 OFFICER 2: You can start by the truth. If you do anything.. you.. like I told you... like I've
15 been telling you...if you do anything for your child , tell us the truth. Only thing you can
16 do for her now. Tell the truth. Did you even care about Mariah?

17 A: Yes I did.

18 OFFICER 2: If you [inaudible] then prove it. Prove that you cared for her. Proved that
19 cared for her. By telling us how this happened. How did she get these bite marks? How did
20 she get these bruises? Was she that bad of a child? Was she that bad of a child that she
21 needed to be disciplined like this? If you wanna call this discipline. Was she that bad of a
22 child? There's gotta be something. There's gotta be some explanation for these bruises.

U 0242

Scanned Jun 18, 2013

SX 4 - 7

1 For these bite marks. For this torture. There's gotta be something. If you can't explain it?
2 You can't explain it? Or you.. you just can't take responsibility for this cause you know that
3 you did this. Melissa. Melissa. If you do anything, do it for Mariah.
4 OFFICER 1: So obviously your husband was gone right? He told me to come over here and
5 ask you. You should know. He's saying that he ain't even knowing about this bite mark.
6 "My wife changes her diaper. I never change her diaper." "She stayed with mom, my wife.
7 I go to work. Yes I saw some bruises." On mariah's cheeks, little bit on here on the legs.
8 Just a little bit. Little bit under the arms. Claiming that he doesn't know anything about all
9 these bruises and that bite mark. But he says "you need to go ask my wife". "He the.. she's
10 the one that bathes her. She should know". So I'm here,.. asking you. right? And you can
11 even speak out as a mom. I mean that's the very least you can do. As a parent. Bury your
12 little one. Not here any more. 2 years. Here. Her body gave out. What triggered it? Did
13 she deserve? See this? Something must've triggered you. You [inaudible] right now to tell
14 me what happened. Or would you rather have Renee or Richard, Gabriel, or your other
15 daughters explain what really happened? Should you leave it up to them? To explain what
16 Happened? Should I be going ... going over there and asking them? What happened to
17 Mariah? Are you gonna step up as a parent? I mean, you love your daughter right?
18 Now's the time. You need to tell us. Who's the one to hurt Mariah? You gonna tell me?
19 OFFICER 2: Your children aren't going to lie. They're not gonna cover for you. This'll
20 come out. This gonna make you look like a cold-blooded killer. Cold blooded. No
21 feelings, no remorse. No guilt. Nothing. Sitting there with a blank stare. You can't even
22 explain these bruises on the child. These old scars on your child. These bite marks on your

000243

Scanned Jun 18, 2013

SX 4 - 8

1 child.

2 OFFICER 1: I'm going go talk to your husband now.

3 (door open and closing)

4 ESCALANTE: Melissa. My name is Victor Escalante. I'm with the Texas Ranger out of
5 Holland. Ok. You already know what happened. Ok. We've got to hear from you.

6 A: What happened with what?

7 ESCALANTE: Listen. Melissa. Ok. We're gonna test those two. Ok. Were going to test
8 them under teeth bite marks. Test the with your husband's bite marks. Ok. And when
9 everything comes out it's not gonna look good. Ok. But we're here, what we're here for is
10 to help you along. Ok. Because telling the truth is hard. It's very hard. Ok. I have kids.
11 You have kids. We get frustrated. We hit 'em. We spank 'em. Cause we're mad. We're
12 human. [Melissa beginning to cry] Melissa. Look at me. Look at me. Melissa. Look at
13 me. Melissa. Look at me. Melissa. Look at me. Melissa. Look at me. It happens. Ok.
14 We all make mistakes. We all make mistakes. We all get upset. We all do bad. Ok? It
15 gets out of control. It happens. It happens. The world's not gonna stop moving. Because
16 we're not gonna stop. You already know what happened. You already know what
17 happened. Ok? It's gonna, it's gonna help you because you haven't explained to us
18 everything. Ok? Because, all we know right now... this is brutal. Ok? But, there's a
19 reason for everything. What your gonna do, your gonna explain everything. Admit to this...
20 ok? You're gonna explain. You're gonna explain it to me. You're gonna explain it to a
21 jury. Make us understand what happened. It's the world's not gonna stop moving. It's
22 gonna continue. And that's what we're here for. We're here to help you. ok? We're here

000244

Scanned Jun 18, 2013

SX 4 - 9

1 to help you get it out. Explain it to us. Because it happens. We all get upset. We all make
2 mistakes. That's cause we're human. Ok? We're human. Ok. God's gonna forgive you.
3 God's gonna forgive you and your husband. This is all part of the human right now. You're
4 making it right. Right now. Melissa, how old are you?

5 A: 37

6 ESCALANTE: 37. I'm 37. Ok? You've had a lot of experiences. You've had a lot of hard
7 times. Ok. You know that. I know that. You keep this inside, it's gonna eat you up. It's
8 gonna eat you alive. All I want you to do, is just tell us the truth. We're gonna help you
9 along the way. Because you're gonna explain to everybody what you were feeling. Ok.
10 [inaudible]. Ever parent gets upset. You make mistakes. It happens. Melissa it happens.
11 And you wanna tell me. Because once we're... once we're done, once you tell me anything
12 that happened, you're gonna feel better. You're gonna feel better. You're gonna start
13 healing. Ok? (several unintelligible sentences at 26:45 on file VTS_01_1.VOB). ...you can
14 finally put this to rest. Ok? And the thing is, there's gonna be a lot of evidence on this
15 case. That, it's not gonna look good on you. Ok? And.. and.. noone's gonna ever gonna
16 hear your side of the story. That's why we're here. To hear your side of the story.
17 (unintelligible due to background noise) Tell you Melissa. It's going to be ok. It's going to
18 be ok. What happened [inaudible]. How many kids do you have?

19 A: All together, 12 kids.

20 ESCALANTE: 12 kids. That's a lot of kids. That's gonna drive any single woman...
21 insane. Think about it. How old is the youngest?

22 A: I have three that don't live with me, she's 20, 20.

0 0245

Scanned Jun 18, 2013

SX 4 - 10

1 ESCALANTE: ok. How many live with you?

2 A: 9.

3 ESCALANTE: 9. How old are they? What ages are the [inaudible]

4 A: 15 to 2

5 ESCALANTE: 15 to 2 years old. So they gonna put you through a lot right? We

6 understand that. This is your youngest one? (points to picture of Mariah).

7 A: (nods yes)

8 ESCALANTE: (several unintelligible sentences... Melissa nodding yes and no). What

9 other problems are there? Is he not working? How about your husband? [inaudible] We're

10 trying to find out, ok? We're trying to understand. Ok? This is not the first time this has

11 happened. This happens many times. Ok? Happens all over the United States. Ok? It

12 happens every single day. Because parents are close to the limit. Ok? Right now you told

13 me you have 12 kids. You have 12 worries. You have 12 problems. You're a mother.

14 Those [inaudible] gonna kick in. And it's gonna push you to a limit. It's gonna push you to

15 where you don't make the right decisions. Does that make sense Melissa? It happens.

16 You're not the first lady I spoke to that's done this. Ok? It happens Melissa. It happens.

17 But see... I'm finding out more and more, ok... cause you're telling me a little more. Ok?

18 Does the world stop moving? No. You're making us understand. [inaudible] Melissa.

19 You understand? That's all important. That's very important [inaudible]. That's gonna be

20 key [inaudible]. [inaudible]. Ok. If your mom was right here sittin' next to me,

21 what...what would she want you to do? Melissa she would want you to be... to tell us

22 anything, right? Because this is the things we want to know. Not just me. The District

000246

Scanned Jun 18, 2013

SX 4 - 11

1 Attorney. The District Attorney is sitting right outside. Ok? They're is the ones who are
2 going to prosecute this case. Ok? And right now it the time to explain to everybody... you
3 explain it to us. Now what we're gonna do, your gonna tell Did you regret your actions?
4 Did you wish it never happened. Those are things...they wanna know. And I know you feel
5 these things right now. I know you do. And you are gonna tell me everything. Cause you
6 wanna start healing. You understand Melissa? Melissa do you hear me? Do you hear me
7 Melissa? Ok. Your kids.. your kids, your mom who do you respect the most? Who... who
8 do .. who do you look up to the most? Melissa. Hm?
9 A: Mom
10 Your mom. Your Mom. Your mom's gonna understand. Ok. Your mom's gonna
11 understand. [inaudible]. Under only one circumstance, is that you tell us what happened.
12 And why it happened. Ok. Because she would do the same thing. And she expects you to
13 do that. She expects you to come out and explain [inaudible]. You owe it to your kids. You
14 owe it to your mom. You owe it to your baby. She's gonna understand. It's all gonna be
15 [inaudible]. She's gonna understand. Ok? You cannot hold this inside. You cannot hold
16 this inside. You need to let it out. And that's why we're here for. We're here to help you
17 let it out. Melissa. Melissa. Look at me. I want you to look at me for a second. Look at
18 me Melissa. We're not gonna trick you. We're not gonna lie to you. We're not gonna
19 backstab you. We're gonn look straight at you. You tell us what's gonna happen. And then
20 we're gonna explain everything that's gonna happen with you. The process. Ok? The
21 process in a case like this. Ok? It's very simple. Don't make it complicated. Ok? We're
22 gonna be here along the way. We have the District Attorney is here. Just sit down and tell

000247

Scanned Jun 18, 2013

SX 4 - 12

1 him what you feel. How you feel. Everyone's [inaudible] in this case. All we do... we put
2 it together and present it to them. They're gonna get to know you. They're gonna get to see
3 you. They're gonna get to hear you. Exactly how you felt. Exactly why you did what you
4 did. Ok? You're gonna explain it right now. Once we're done here we'll bring him in.
5 [inaudible]. SO you can see him, you can know him. So you won't just be court time.
6 They're gonna know your man, and their gonna know you. You made a mistake. You made
7 a mistake. We all make mistakes. Nobody's perfect. This is very hard. This is very hard.
8 [inaudible] at the heart. I can only imagine. Ok? Do the right thing. Just tell us what
9 happened. We wanna help you along the way. We're gonna explain everything we can
10 explain. [inaudible] it's gonna be simple. Don't make it complicated. Melissa. Melissa.
11 Understand me? It is making sense? Is it making sense? Won't you just start telling me
12 what happened? You know what I want you to do. Is start from the beginning. I have to
13 know everything. Melissa. From the beginning. We have to know everything. OK? What
14 led up to this? Ok? We're not gonna hate you. We're not gonna think different of you. It
15 just it happened. One day you couldn't take it. You weren't in your right mental state. You
16 got upset. That's it. It Happens. We Understand that. But you as a mother, have to tell us
17 the truth. What happened. Why it happened. Explain it all so us. Melissa look at me. I
18 want you to tell me what happened. Look at me Melissa. You're 37 years old. You have all
19 these kids that are looking up to you. ok? I mean, they're... they have to live the rest of
20 their lives and they're looking to you ok? They lost their sister. OK? They're not gonna
21 hate you. They're not gonna think worse of you. ok? Cause you gonna explain to them...
22 we're gonna explain to them. You got put through a lot. Ok? The only way your gonna

000248

Scanned Jun 18, 2013

SX 4 - 13

1 make this... The only way you're gonna make this right is telling us what happened. Ok.
2 [inaudible] It is so important, and everybody starts healing. Everybody starts [inaudible].
3 Ok? Because it was a mistake. You have too much... You have too much pressure on you.
4 ok. I can already see that. When you told me you have 12 kids, and your husband works and
5 not you. How do you make it? You know? You gotta feed the kids. You gotta clothe the
6 kids. You got medical. Ok? You're crying all night. Ok? What if... I mean you wanna
7 have nice TV, you wanna have a little free.. But you have all these responsibilities. Melissa.
8 Look at me Melissa. You have serious [inaudible]. Do you understand what I saying
9 [inaudible]? And one of them has turned out bad. I need for you to tell us what happened.
10 [inaudible]. Ok? If you need help, we'll get you help. Ok? No problem. No problem.
11 Melissa. Do you see me? Do you hear me? Do you understand me? Ok. We're gonna
12 make this right. Melissa. [speaking to OFFICER 2] Is that where you take a statement?
13 OFFICER 2: [inaudible]
14 ESCALANTE: [speaking to Melissa] Melissa. [inaudible]. What I want you to do..
15 A: I wanna talk to my husband. I don't want to talk to nobody else.
16 ESCALANTE: You wanna talk to your husband? Ok. What we're gonna do... Do you
17 want water?
18 A: No. I want a cigarette.
19 ESCALANTE: Ok. Let's finish this. ok? Then I'll get you a cigarette. Ok? Let's get this
20 out of the way. [inaudible]... ok?
21 A: It's gonna be a long... It's a long story. Everything's long.
22 ESCALANTE: Ok. [Victor steps out of office]

U 0249

Scanned Jun 18, 2013

SX 4 - 14

1 [voices outside in hallway]

2 ESCALANTE: [returning to seat] Ok. What I want you to do. It's being recorded. ok?

3 Everything we do we're gonna record [inaudible]. Ok? What I want you to do.... Is from the

4 beginning and get explain everything... detail. Ok? Break it down for me.. And once we're

5 done, [inaudible] I'm gonna be here. What I just told you...you understand everything?

6 ok? ok. It's time for [inaudible].

7 A: From the beginning? From when?

8 ESCALANTE: When all this started. Ok? Explain it so us. Ok?

9 Melissa:: I mean I would spank her, but I didn't think I would spank her, to where... to

10 where it got to this point.

11 ESCALANTE: Cause you were mad?

12 A: No. I mean I never took out my anger on my kids. I never did.

13 ESCALANTE: Ok. Frustration? [Melissa nods head no] Melissa. I'm being straight with

14 you. And I need you to be completely honest with me. ok? It's just you and I. ok? I'm

15 meeting you halfway. ok? [inaudible] too? Ok? [inaudible]. it's ok. [inaudible] You did

16 it? Who did it?

17 A: I did.

18 ESCALANTE: Ok. You did? Did the world stop moving? No. [inaudible] putting this to

19 rest. ok? It's for your own good. [inaudible] You're doing good. You're doing good. Start

20 from the beginning and break it down for me. Just let it out. I wanna hear your side. Layed

21 it all out. And then I'll come back with questions. Explain this well this is anybody else

22 responsible?

U 0250

Scanned Jun 18, 2013

SX 4 - 15

1 A: No

2 ESCALANTE: Or am I talking to the right person? [Melissa nods head Yes]. Ok. Perfect.

3 Tell me. Melissa tell me. Let's do this together. ok? Let's get it over with. Say yeah. We

4 can get it over with and move on. Ok Melissa? Let's just get it over with.

5 A: I don't know what you want me to say. I'm responsible for it.

6 ESCALANTE: Ok. What did you do? So you..ok... how would you spank her? Physically

7 [inaudible]?

8

9 ESCALANTE: Ok. What did you do? So you..ok... how would you spank her?

10 Physically [inaudible]? You want me to take it a way? Take them away. [moving the

11 pictures away] Ok we know [inaudible]. We have all these bruises. the back and the

12 front. [inaudible] Bite marks. Ok.. We know this ok? We know this. How would you

13 spank here? ok.

14 A: My hand.

15 ESCALANTE: with your hand? all over her body? [nods yes] Why? Explain that to

16 me. I know why. But I'd rather hear it from you.

17 A: Frustration, I guess.

18 ESCALANTE: What else?

19 A: I don't know.

20 ESCALANTE: Angry?

21 A: Not at her.

22 ESCALANTE: at what?

0:0251

Scanned Jun 18, 2013

SX 4 - 16

1 A: I was just frustrated.

2 ESCALANTE: At what? Melissa, what frustrated you?

3 A: My other children, they were very hyper. Emil's (or "it is") hard for me. Take care of
4 all of them.

5 ESCALANTE: How about financial?

6 A: no.

7 ESCALANTE: You're doing ok? [Melissa nods yes] Just too many kids? Too much?

8 And the bite mark, you did it? why?

9 A: I was just playing around with her one day and I... I was tickling her and bit her.

10 ESCALANTE: That's a really hard bite. Were you frustrated? [Melissa shakes head no]

11 You were mad? [Melissa shakes head no] That's not playing around. Let's be straight
12 ok? You were mad, weren't you. When you bit, bit her.

13 A: No. I wouldn't have done that.

14 ESCALANTE: Why did you bite her so hard? Why did you bite her so hard?

15 A: I don't know.

16 ESCALANTE: Was you mad?

17 A: No.

18 ESCALANTE: Frustrated?

19 A: [inaudible] [shaking head no]

20 ESCALANTE: But it wasn't because you were playnig around.

21 A: They weren't playing around.

22 ESCALANTE: What happened?

0 0252

Scanned Jun 18, 2013

SX 4 - 17

1 A: I don't know I was bit her.

2 ESCALANTE: You wish she were never born? Then you wouldn't have all the
3 problems. [Melissa shaking head no] Because when you bring someone you got a lot of
4 responsibility. Tell me what happened. What went.. went.. what What led it her to
5 her death? Did you hit her in the head?

6 A: NO! I don't know how she died. I don't know. That day I was fighting. Running.

7 ESCALANTE: So tell me this, what what when did they find her?

8 A: Today

9 ESCALANTE: What time?

10 A: I don't know... 7 something.

11 ESCALANTE: From the morning or night?

12 A: This evening.

13 ESCALANTE: Where were you?

14 Melissa: I was at home with her.

15 ESCALANTE: ok. When was the last time you saw her awake?

16 A: 5, 10 minutes before.

17 ESCALANTE: ok. And it what happened? You spank her today?

18 A: No! I did not spank her today.

19 ESCALANTE: But you had spanked her... it... it's obvious you spanked her. [Melissa
20 nods yes] Ok.. this let's get that...let's get that... you spanked her. And you spanked her
21 cause you were frustrated. not just at her. But tell me. why? everybody else?
22 Because... part of her, part of everybody else? (unintelligible)

0 0253

Scanned Jun 18, 2013

SX 4 - 18

1 A: not at her

2 ESCALANTE: not at her. at who?

3 A: I am just frustrated at the kids running around all day.

4 ESCALANTE: Did you hit her head somewhere?

5 A: No.

6 ESCALANTE: Do did you hit her?

7 A: I never hit her head.

8 ESCALANTE: How would you hit her?

9 A: I would just spank her.

10 ESCALANTE: Did you ever use anything?

11 A: No. Uh uh

12 ESCALANTE: Did you give her anything? Poison?

13 A: No! No.

14 ESCALANTE: Anything that... something that to get her sick?

15 A: UH UH, uh uh

16 ESCALANTE: Did anybody else spank her?

17 A: uh uh

18 ESCALANTE: Did you r husband spank her?

19 Melissa:: uh uh

20 ESCALANTE: And when you saw these bruises. Did you suffocate her?

21 A: NO!

22 ESCALANTE: Melissa.

0 0254

Scanned Jun 18, 2013

SX 4 - 19

1 A: No I didn't.

2 ESCALANTE: We're doing so good.

3 A: No I didn't Sir. I would never do that, no.

4 ESCALANTE: ok. Then what caused her to die?

5 A: I don't know.

6 ESCALANTE: Then just.. you know hitting her.

7 A: I don't know. My oldest daughter was there. And I just thought I was going to .. to

8 talk to no speaking right. And I went go check up on her asleep... she was breathing. So

9 I covered her with a blanket. Even though it wasn't that cold I still covered her with a

10 blanket. And I went back the the room. I was organizing my kids cloths. moving to

11 the apartment. and my daughter had gone to got check up on her also and she was still

12 alive, she was breathing. She went back to the room and we were there talking I went to

13 the living room do go see if he had brought back the furniture. He said no, cause the girl

14 had took him the wrong key from storage ... something like that so I went back the the

15 room and I continued do what I was doing and I guess he was around to the room to go

16 check up on the baby and umm he was calling me but I didn't know he was in the room

17 with the baby. And I told him to wait cause I was busy and then he yelled at me again, it

18 sounded serious, so walked out from the kids room to the hall and I saw him in my

19 bedroom leaning over the bed. And he had her in. He was trying to wake her up.

20 And...and I yelled and I told him "no" don't tell me. He said she doesn't want to wake

21 up. and my other daughter was there trying to help him and they couldn't. I couldn't go

22 into the bedroom. and so he brought her to the living room. and he placed her on the

0 0255

Scanned Jun 18, 2013

SX 4 - 20

1 floor on top of a pillow. I mean, pillow under her. and he started trying to talk to her
2 and I went over to her and I started to trying to talk to her and everything and, she
3 wouldn't respond. So my daughter called 911. And it took them, like 10, 15 minutes to
4 get there. She was already dead.

5 ESCALANTE: [pointing to picture] This.. this was all our hand?

6 A: Only mine, nobody else would hit her.

7 ESCALANTE: Ok. [inaudible] all these bruises from your hand?

8 A: I never used anything.

9 ESCALANTE: Hold on, ok? [getting out of chair. leaves room]

10 [woman officer enters room and leaves]

11 [Victor returns to room]

12 ESCALANTE: ok. I had to get some statements. [sits down] Did your husband spank
13 her?

14 A: uh uh

15 ESCALANTE: Did he ever spank her?

16 A: uh uh

17 ESCALANTE: Did he ever sexually assault her?

18 A: uh uh

19 ESCALANTE: Did he know you were spanking her?

20 A: uh uh

21 ESCALANTE: But he noticed all the bruises?

22 A: Huh?

U 0256

Scanned Jun 18, 2013

SX 4 - 21

1 ESCALANTE: Did your husband noticed. What did he what did he say about the
2 bruises?

3 A: Well, he asked me what happened to her and I would tell him some of them were
4 from the kids when they would wrestle with her and they would (inintelligible) the other
5 ones he wouldn't he didn't see.

6 ESCALANTE: Which ones?

7 A: The ones on her thighs.

8 ESCALANTE: [with pictures] These?

9 A: uh huh

10 ESCALANTE: How about this? [pointing to picture]

11 Melissa:: [shaking her head no]

12 ESCALANTE: Did he see them?

13 Melissa:: uh uh.

14 ESCALANTE: He wouldn't bathe her?

15 A: uh uh

16 ESCALANTE: You kind of just threw him off. You never told him. Do you love your
17 husband?

18 A: Yes

19 ESCALANTE: How old is he?

20 A: 36

21 ESCALANTE: Did any of your other kids.. dis any of you other... did any of your kids
22 beat.. beat her?

0 0257

Scanned Jun 18, 2013

SX 4 - 22

1 A: No

2 ESCALANTE: Did..did anybody besides you.

3 A: uh uh

4 ESCALANTE: Did your husband know you were beating her?

5 MellisA: uh uh.

6 ESCALANTE: Why not?

7 A: Wasn't there. I mean, I wasn't beating her or banging her or throwing her against a

8 wall. I was spanking her but.. I got some...

9 ESCALANTE: It happens once ... It happens.

10 A: [inaudible]

11 ESCALANTE: it shouldn't have happened. but it did. ok? it did. ok? that's why we're

12 here. Let's try to make it right. ok? Did you love your little girl? [Melissa nodding yes]

13 And what I want you to do, is tell me the complete truth. ok? Do it for her. Even one

14 day... do you believe in God?

15 A: uh huh

16 ESCALANTE: One day you're gonna see her again. And right now. ok? To make it

17 right.. so... Don't try to sugar coat anything. Don't try to make it softer. Tell it how it is.

18 ok? Do it for your mother. Do it for your kids. Do it for Mariah. You're gonna see her

19 again. ok? I know you are. [inaudible] ok what...you would, you would beat her

20 because she cried?

21 A: I would not beat her I would spank her.

22 ESCALANTE: You were spanking. Did she cry a lot?

0 0258

Scanned Jun 18, 2013

SX 4 - 23

1 A: No, just spank her.

2 ESCALANTE: Why?

3 A: Frustration.

4 ESCALANTE: What else?

5 A: [nodding her head no]

6 ESCALANTE: you wouldn't. So that that frustration you would never paid mind to how
7 hard you hit her? And when you saw these bruises, what would you say to yourself?

8 A: I hated myself.

9 ESCALANTE: Did you want to stop?

10 A: I hadn't spanked her any more. The last time I spanked her was... I spanked her
11 Friday morning. Thursday or Friday morning.

12 ESCALANTE: Where did you spank her?

13 A: I tapped her on her hand because the night before she was.. she had gotten up then
14 she had dropped the cappuccino on the bed. So it was like since my daughter woke me
15 up at like 5:15 in the morning [inaudible] the kids. Clothes ready for school and she
16 was... I mean I hadn't slept all night. I had been awake since 2:30 because she kept on
17 getting up and getting up trying to get out of the bed.

18 A: So finally at 6.. at 5:15 my daughter woke me up... which ... but I was already awake,
19 but I was still laying down in bed and I uh, I woke her up, i mean I got her out bed cause
20 she was already awake, she was just laying there in the bed. And I got her from the bed
21 and my husband asked where I was taking her and I said I was taking her to the room
22 because she was awake and I didn't want her to wake him up and my other boy could

0 0259

Scanned Jun 18, 2013

SX 4 - 24

1 sleep there in the room. so ... That.. ok that night or that morning I we went back the
2 the old apartment so my daughter could take a shower because there was no hot water in
3 the apartment. So I took her outside and i mean it was cold. it was like 30 degrees I
4 guess... and she.. we ...me and her stayed in the car while my daughter and my son went
5 upstairs. and she was cold, she started shaking..and was cold so I make sure, you know I
6 bundled her up real good bund.. the jacket up and everthing and she just you know tilted
7 her had back like this. and She fell asleep so I picked her up and put her on my
8 shoulders and I was walking her back and forth and then my children came back down
9 stairs and we went back home and we got there, jamie pampered her cause she was
10 changing her pamper and she fell asleep. and i mean I didn't think that there was wrong
11 with her because I kept on, you know, feeling her kick me... you know kicking with both
12 her legs and she kept on moving her arm up and down up and down. so in the morning
13 when we got up, you know, she were ok. Just, you know, real stiff. she wouldn't, um.
14 bend her arms or anything. but she was doing fine. that was yesterday morning. And
15 uh, she i her mouth was closed shut, I mean she wouldn't even let me open her mouth.
16 ESCALANTE: what?
17 A: She wouldn't let me open her mouth. She had her mouth, you know locked jaw. her
18 teeth were close and real tight. and um I mean that's it. I mean I... this morning... we got
19 up this morning, the kids ate. I went to feed her she didn't wanna eat. so I started doing
20 my chores and everything and she just layed in bed. and I was gonna warm up wash I
21 was gonna take a bath cause I was gonna bring her, when I was picking up Tim I take
22 her to the doctor, see the doctor. and I was gonna take her back.. and that's when he left

0 0260

Scanned Jun 18, 2013

SX 4 - 25

1 to go...

2 ESCALANTE:" Ok... go back.. when was this?

3 A: Today.

4 ESCALANTE: Ok, so what happened today again? This morning?

5 A: She was still, you know, she was till weak. Well last... well all last night she was...

6 she had a cold, I guess, and she was having trouble breathing so I kept on, you know,

7 trying clean out her nose. and uh.

8 ESCALANTE: Where'd... how'd you clean her nose?

9 A: I mean... I clean her nose, bloody nose. I would place on one nostril. This one was

10 clean [inaudible] and this one no. she had trouble breathing. so my husband asked me,

11 cause he wouldn't notice that she was breathing hard. and he asked, he asked me well

12 then you are doing?...And I said I'm trying to, you know, clear her nostrils out. and he

13 said "yeah. just leave her alone, let her go to sleep." so ...

14 ESCALANTE: She was sleeping with you guys?

15 A: U huh. so she,. you know she fell asleep.. and we fell... I fell asleep and um... she

16 was breathing, I mean she was doing ok. this morning she was doing ok also. and there

17 would be times that, you know, she would start breathing real heavy and everything so I

18 told my daughter, well, you know, when your dad comek I want you to tell us because

19 she's making better. and that's when he left to go pick up the vans and the [inaudible]

20 and when he came back I already checked up on her ready 5 , 19 minutes before there

21 and My daughter had called to check up her. and when my husband got there I guesss he

22 musta gone to the room to go check up on her and he was calling me but I didn't know

0 0261

Scanned Jun 18, 2013

SX 4 - 26

1 he was in the room with her. so then he..when he called out my name again... it.. i mean
2 his voice sounded wierd so i yelled at him "what?" so I started walking to... from the
3 kids room down the hall to. So I say him in the bed with the baby... and he was crying
4 and I mean I knew somthing was wrong. And he told me to call them, nd I told him no I
5 wasn't going to all there.

6 ESCALANTE: [inaudible]

7 A: Well I mean why would he be crying for? and my daughter was there also. But I
8 mean not even 5, 10 minutes I had gone to check up on her and then after that my
9 daughter went to go check up on her and she was doing ok. I mean I didn't, I did not kill
10 her. I mean, I did not suffocate her. I didn't do anything. she was... she was still alive
11 when I last saw her.

12 ESCALANTE: When did you start spanking her. How old was she?

13 A: Didn't really start it. I really ...We really got our kids back in November.

14 ESCALANTE: who had them?

15 A: CPS

16 ESCALANTE: why?

17 A: Uhh drug use.

18 ESCALANTE: you?

19 A: Uh huh [nods yes]

20 ESCALANTE: You still do any drugs?

21 A: uh uh [shakes head no]

22 ESCALANTE: You drink?

0 0262

Scanned Jun 18, 2013

SX 4 - 27

1 A: not really. I guess once in a while.

2 ESCALANTE: What kind of drugs he used to use?

3 A: Cocaine

4 ESCALANTE: [inaudible]

5 A: Huh?

6 ESCALANTE: Did it get out of hand with it?

7 A: Well yeah, cause then my kids got taken away from me.

8 Victor [inaudible]

9 A: But I got cleaned up about ...

10 ESCALANTE: good

11 A: I got cleaned up, I been clean for a year right now. And then got my kids back in

12 November. So I wasn't really closer, even though she was my daughter.

13 ESCALANTE: How long have you had her?

14 A: Since November.

15 ESCALANTE: You gave birth to her two years ago?

16 A: uh huh

17 ESCALANTE: And what did you lose her? To CPS?

18 A: [inaudible] September 6th.

19 A: She was born September 6th. September 21st.

20 ESCALANTE: And when did yo get her back?

21 A: November 21st

22 ESCALANTE: Of what year?

0263

Scanned Jun 18, 2013

SX 4 - 28

1 A: This year

2 ESCALANTE: how [inaudible] six?

3 A: uh huh

4 ESCALANTE: You've had her in November, December, January, February. 4 months.

5 so she was... she was... she was.. like a brand new kid.

6 A: uh huh

7 ESCALANTE: And when did you..

8 A: I mean, she was brand new to because we would...

9 ESCALANTE: Sure...

10 A: ...had visitations and everything so

11 ESCALANTE: When did you start spaknking her? When did you start spanking her?

12 A: When? December. January.

13 ESCALANTE: That's when you had all the kids.

14 A: Uh huh

15 ESCALANTE: Ok... CPS took everybody away right?

16 A: Uh, yes, except my five older children they were living with their dad.

17 ESCALANTE: ok. So you were living by yourself? Or your husband?

18 A: Both of us together.

19 ESCALANTE: OK. Then you've got your kids, your life changed.

20 A: Well no, I mean I knew what to expect but we had problems before they got taken

21 away. I mean I knew it was gonna be hard. I have to get used to everything again.

22 ESCALANTE: But it was hard?

0 0264

Scanned Jun 18, 2013

SX 4 - 29

1 A: Uh huh

2 ESCALANTE: Of course. When you would spank her would she cry? Would
3 she...Would, would, would you get after her? And she would cry? [inaudible] or angry?

4

5 A: No, she wasn't... she wasn't a bad kid.

6 ESCALANTE: So your husband never say the bruises? [Melissa shakes head no] He
7 never bathed her? He never changed her diaper? If it was my daughter I would. He
8 doesn't pay attention?

9 A: He was always working.

10 ESCALANTE: What [inaudible]

11 A: He's a cook at the bisabills.

12 [time index 12:03.05 of file VTS_01_3 of Disk 2]

13 ESCALANTE: (sniffs) [reading] who is Daniella?

14 A: My daughter.

15 ESCALANTE: Which one?

16 A: the oldest one.

17 ESCALANTE: How many [inaudible] your kids? Ok. So... um.. Mariah was sick.

18 [inaudible]. When did she get sick? How many days ago?

19 A: Yesterday.

20 ESCALANTE: And what did you notice?

21 A: Her breathing hard. But I thought it was because of the cold. Her nostrils were

22 stuffy.

0 0265

Scanned Jun 18, 2013

SX 4 - 30

1 ESCALANTE: She have a fever?

2 A: No.

3 ESCALANTE: She coughing?

4 A: No.

5 ESCALANTE: Why did have a hard time saying you spanked her, when you did?

6 A: Why did I have a hard time saying it?

7 ESCALANTE: Cause you spanked her causing all these bruises here... Why did you
8 have a hard time? Explain that to me.

9 A: I can't.

10 ESCALANTE: You can't? Why? You scared? [Melissa nods yes] Your other
11 daughter said that... she was saying that Mariah wouldn't eat? And when she would
12 sleep, her chest would...go up and down?

13 A: uh huh. And she was breathing heavy.

14 ESCALANTE: And she would sleep all day? [Melissa shakes head no] They're going to
15 do an autopsy. First thing in the morning.

16 A: uh huh

17 ESCALANTE: They're not gonna find any broken bones?

18 A: uh uh [shaking head no]

19 ESCALANTE: They're not gonna find a fractured skull?

20 A: No! [shaking head no]

21 ESCALANTE: you would tell me if you did that?

22 A: Uh huh [nodding yes]

0 0266

Scanned Jun 18, 2013

SX 4 - 31

1 ESCALANTE: Did you ever hit her in the head?

2 A: [shaking head no] uh uh

3 ESCALANTE: Did you ever slap her?

4 A: [shaking head no] uh uh

5 ESCALANTE: Did you feed her any poison?

6 A: No! No. [shaking head no]

7 ESCALANTE: IF you did, it's ok...

8 A: Noo! No. [shaking head no]

9 ESCALANTE: girl [inaudible]

10 A: Noo! No. [shaking head no]

11 ESCALANTE: cause you wanna get rid of her.

12 A: [shaking head no] uh uh. No.

13 ESCALANTE: cause it was too much?

14 Melissa:: [shaking head no] uh uh

15 ESCALANTE: they push you to the limit?

16 A: [shaking head no] uh uh

17 ESCALANTE: Why didn't you take her to the doctor? When you noticed that she

18 wasn't [inaudible] if she was sleeping like that?

19 A: this (response stepped on) happened

20 ESCALANTE: Explain that to me.

21 A: her father tried to [inaudible] the bruises. But this really happened today that she was

22 [inaudible]

0 0267

Scanned Jun 18, 2013

SX 4 - 32

1 ESCALANTE: So you were afraid to take her to the doctor cause of the bruises? You
2 were afraid.

3 A: But I was not

4 ESCALANTE:

5 A: But I mean, I...said I mean she's been like this all day so... I was waiting for my
6 husband to come back from leaving the furniture and I [inaudible] gonna take her.

7 ESCALANTE: I mean. all these bruises. [inaudible] How were you gonna do it?

8 A: [inaudible]

9 ESCALANTE: ok.

10 A: Today

11 ESCALANTE: Says here, two days ago?

12 A: No

13 ESCALANTE: Cause it says here

14 A: Noo... Yesterday..yesterday

15 ESCALANTE: [reading for paper] "My mom told me that she was worried about
16 Mariah. Because she had been sleeping all day."

17 A: That was yesterday.

18 ESCALANTE: [still reading] "My mom also said that Mariah had spent the day before...
19 sleeping."

20 A: Yeah, which was this [inaudible]

21 ESCALANTE: [still reading] she said that "every time mom would try to feed her,
22 Mariah would close her mouth." "Very tired and wouldn't open it." "After she told me

0 0268

Scanned Jun 18, 2013

SX 4 - 33

1 this I went to check on Mariah." "Mariah.. I don't think she was breathing very heavy."

2 "I couldn't see her face, but I could see her body move up and down, as she breathed."

3 "After that, that's when Robert noticed that she wasn't breathing anymore."

4 [Door opens. Victor leaves room. Door closes]

5 [Door opens. Female officer enters. Female officer leaves. Door creaks]

6 [Victor returns.]

7 Time index [00:21:27.10] VTS_01_3

8 ESCALANTE: [pointing to picture] How did this happen?

9 A: I don't know. I don't know about that.

10 ESCALANTE: Was she walking?

11 A: [nodding yes] uh huh

12 ESCALANTE: Did you hit her with a stick? or?...

13 A: shaking head no.

14 ESCALANTE: [inaudible]

15 A: uh uh

16 ESCALANTE: [pointing to picture] This was with what? Your hand?

17 A: uh huh

18 ESCALANTE: What is... how about this? What is that?

19 A: I don't know. Scar.

20 ESCALANTE: you just... spank

21 A: [nods yes]

22 ESCALANTE: [points to picture] That's your bite mark. [points to different place on

U 0269

Scanned Jun 18, 2013

SX 4 - 34

1 picture] That's your bite mark?

2 A: [nods yes] uh huh

3 ESCALANTE: You bit her twice?

4 A: [nods yes]

5 ESCALANTE: The same time? Same day?

6 A: [shakes head no]

7 ESCALANTE: you hit her there?

8 A: uh huh

9 ESCALANTE: Just like that? [moves hand]

10 A: No, I didn't hit her there. I think,...I think right there, she... when.. when um...she

11 was getting into the bathtub the bathtub was real.. real high, and i guess she must have

12 hit herself there when she was trying to climb over and up.

13 ESCALANTE: Melissa, tell me the truth.

14 A: I did not hit her there.

15 ESCALANTE: Who did?

16 A: I did not hit her there.

17 ESCALANTE: ok.. who hit her there?

18 A: I didn't. I don't know who did.

19 ESCALANTE: Then who did?

20 A: I don't know.

21 ESCALANTE: What about all these [inaudible] spots? On her vagina?

22 A: uh uh. I never did that.

0270

Scanned Jun 18, 2013

SX 4 - 35

1 ESCALANTE: Who did?

2 A: [shaking head no]

3 ESCALANTE: Your husband?

4 A: No.

5 ESCALANTE: Why don't you wanna tell me? Why don't you wanna tell me?

6 A: I didn't do that and my husband didn't do that. Must been he would touched her when
7 he would spank her.

8 ESCALANTE: The who did it?

9 A: [Melissa shakes head no]

10 ESCALANTE: Just tell me Melissa. [inaudible].[inaudible]. I can move on to the next.
11 Get this picture out of your face. How did this happen? We know this is you you did
12 this.

13 A: I guess I did it. I guess I did it.

14 ESCALANTE: How?

15 A: I don't know.

16 ESCALANTE: You would hit her there?

17 A: No. I never hit her there.

18 ESCALANTE: [inaudible]. You said [inaudible]. You're telling me you did. I'm having
19 a hard time... you're having a hard time coming out with it. I don't blame you. ok? Just
20 tell me [inaudible]. Where would you hit her.. how would you hit her in this area?

21 A: Probably pinch her or something..

22 ESCALANTE: You pinched her? [inaudible]. out of frustration? Would you pinch

0 0271

Scanned Jun 18, 2013

SX 4 - 36

1 her? Yes or no?

2 A: Uh huh.

3 ESCALANTE: In her vagina?

4 A: uh huh

5 ESCALANTE: On the outside?

6 A: uh huh

7 ESCALANTE: Did you hit her with a stick?

8 A: Uh uh [shaking head no]

9 ESCALANTE: With your hand?

10 A: uh huh [nodding head yes]

11 ESCALANTE: Pinched her and spanked her in the vagina?

12 A: No, no, I was pinched her on there [points to picture]

13 ESCALANTE: [pointing] And this?

14 A: Spanked

15 ESCALANTE: That's spanked?

16 A: uh huh

17 ESCALANTE: ok. Don't lie. ok?

18 A: But... I mean, I .. like I said... when I would tell her to get in the shower, you know,

19 inside the bathtub, when I, when I was gonna bath her. I mean, she could of got it from

20 there cause I don't remember ever spanking her there.

21 ESCALANTE: And these little cuts?

22 A: Scratches.. just scratches

0 0272

Scanned Jun 18, 2013

SX 4 - 37

1 ESCALANTE: from you?

2 A: No. probably from the girls when they were being all... play with her and...my

3 mother daughter has scratches too. From my 4 yr old, they're always scratching each

4 other up.

5 ESCALANTE: [pointing to picture] Inside her car?

6 A: That was a scratch.

7 ESCALANTE: From you?

8 A: No.

9 ESCALANTE: [pointing to picture] Anything on here?

10 A: uh uh

11 ESCALANTE: Those?

12 A: ... she had a scab.

13 ESCALANTE: Did you do that?

14 A: No. She would have... I mean it was sore I guess I know that she would always be

15 peeling on it.

16 ESCALANTE: [pointing to picture]

17 A: That... That one right there... I don't know.

18 ESCALANTE: How would you hit her? [waving his arm]

19 A: With my hand.

20 ESCALANTE: Like this?

21 A: More like that. [waves her arm]

22 ESCALANTE: when she was laying down?

0 0273

Scanned Jun 18, 2013

SX 4 - 38

1 A: Standing up.

2 ESCALANTE: [pointing to picture] How about like these... was she standing up? To,...

3 to her calves?

4 A: uh huh

5 ESCALANTE: When she was standing up? or she was laying down?

6 A: both

7 ESCALANTE: Laying down in her crib? laying down in the bed?

8 A: in the bed.

9 ESCALANTE: Her back? Her backside?

10 A: [nodding yes]

11 ESCALANTE: from this...this.. this this... the back, to down the back how would you

12 spanked her there? Standing up? Or laying down?

13 A: No. she was laying down.

14 ESCALANTE: On her stomach?

15 A: uh huh

16 ESCALANTE: When she was crying?

17 A: No, when she wanted, when...when I would put her... try to put her to sleep and I

18 would...

19 ESCALANTE: She didn't wanna go to sleep?

20 A: no, she would be asleep and I would come back and she would be playing. I mean

21 everybody else would get... be asleep and she would go and wake em up so... that would

22 get me mad.

U 0274

Scanned Jun 18, 2013

SX 4 - 39

1 ESCALANTE: You would hit her... [waving hand repeatedly] This? Cause you're mad?

2 A: uh huh [nodding head yes]

3 ESCALANTE: Get too mad? Several times?

4 A: uh huh

5 ESCALANTE: ok. The bruises on her feet?

6 A: I don't know... [inaudible] [starting to cry]

7 ESCALANTE: Why are you crying?

8 A: [shakes head no] [cries]

9 ESCALANTE: Melissa... your doing so well. What happened her feet?

10 A: I don't know what happened to her foot. I can honestly say I don't know.

11 ESCALANTE: You not gonna tell me?

12 A: No, I don't know.

13 ESCALANTE: Tell me Melissa.

14 A: I don't know sir.

15 ESCALANTE: So you hit her a lot? Cause you have her on the arms too. That's when

16 she was laying down [inaudible]?

17 A: No, that's probably when I would grab her. From her arm. I mean when we would

18 walk downstairs you know I would hold her... I mean I would hold her a little tight

19 because I don't have enough strength in my arm and...[inaudible] was scared. I would

20 hold her real tight.

21 ESCALANTE: You'd drag her down the stairs?

22 A: No. I would hold her tight from her arms.

U 0275

Scanned Jun 18, 2013

SX 4 - 40

1 ESCALANTE: for what stairs?

2 A: When we used to live at the previous apartment.

3 ESCALANTE: it was upstairs...?

4 A: uh huh

5 ESCALANTE: How old are these bite marks? More or less.

6 [beginning file VTS_01_4]

7 A: Two weeks, I guess.

8 ESCALANTE: and these.. all these are from December to now?

9 A: No.

10 ESCALANTE: Those bruises?

11 A: Those

12 ESCALANTE: These are all... recent bruises?

13 A: [nods head yes]

14 ESCALANTE: You hit her over here in the chest too. In the back.. you probably

15 just...Yes or no?

16 A: uh huh

17 ESCALANTE: ok. [places pictures desk] So you just moved to these new apartments.

18 And these.. these apartments you're at now where's that at?

19 A: On Lee street

20 ESCALANTE: Lee street? Near H... ?

21 A: [nodding head yes]

22 ESCALANTE: before?

U 0276

Scanned Jun 18, 2013

SX 4 - 41

1 A: on Madison.

2 ESCALANTE: on Madison? How long you been there?

3 A: 1 month. It was only supposed to be temporary because they were remodeling the
4 apartments that we live in now.

5 ESCALANTE: So you were there for how long?

6 A: a month?

7 ESCALANTE: Why did you all change over to the apartamentos on Lee St?

8 A: Because we had to repaint the deposit ... december. And the landlord told it was
9 gonna be about a week but took nearly a month.

10 ESCALANTE: ok.. why...Why did you move?

11 A: because ...move from where? From Madison? because we were staying there
12 temporarily because we were gonna move to Lee.. we had seen the apartments on Lee
13 street... but they... the landlord had told us it was gonna take about a week. So he told us
14 that we could stay at some apartments. First he told us San Bernido. But it was too far
15 for us to take the kids [inaudible] take the kids to school. So he said he had some in
16 Madison that we could stay there temporarily for free.

17 ESCALANTE: [stands up]

18 A: so we where staying there for almost a whole month.

19 ESCALANTE: [sits down]

20 A: And then ... um.. they had to do the electrical wiring and they were doing the
21 plumbing and everything and we barely moved over there on Thursday. Thursday
22 evening.

0 0277

Scanned Jun 18, 2013

SX 4 - 42

- 1 ESCALANTE: How many rooms were in that apartment?
- 2 A: Which one?
- 3 ESCALANTE: Where you're at right now.
- 4 A: three
- 5 ESCALANTE: how ... how many kids are living there?
- 6 A: All night?
- 7 ESCALANTE: Pretty tight?
- 8 A: huh?
- 9 ESCALANTE: Pretty tight?
- 10 A: Well we barely had moved in there so... I mean we had the 3-bedroom before and it
- 11 was all the boys in one, all the girls in one. and then I would sleep with the baby and my
- 12 husband.
- 13 ESCALANTE: Mariah? Would sleep with you?
- 14 A: uh huh [nods head yes]
- 15 ESCALANTE: You have a crib for her?
- 16 A: [shakes head no] No.
- 17 ESCALANTE: Two people with her?
- 18 A: With both my husband and I.
- 19 ESCALANTE: Is there anything else?
- 20 A: [shaking head no] uh uh
- 21 ESCALANTE: Anything else you wanna tell me?
- 22 A: [shaking head no] uh uh

0 0278

Scanned Jun 18, 2013

SX 4 - 43

1 ESCALANTE: ok. At this time is gonna end... end the interview for now. It is 1:22

2 AM. [stands up. leaves office]

3 [Time Index 07:33.09 of file VTS_01_4]

4 [Victor returns to office with paper. sits down. Female Officer enters and sits down]

5 ESCALANTE: Melissa. We need for you We're going to take some

6 blood...saliva...some head hair... fingernails...and also we are going to do a dental mold

7 impression. ok? You cooperate and we'll go ahead and do this?

8 A: [nods yes]

9 ESCALANTE: I'm gonna read this to you. ok? That you give this consent. ok? You

10 can cooperate.

11 A: [nods yes]

12 ESCALANTE: ok. that's...That's good. [reading from paper] "I Melissa Elizabeth

13 Lucio having been. I hereinafter name this peace officer that I have a constitutional right

14 to be free from having him or other officers making warrantless search of the hereafter

15 mentioned items on my person and body and also a constitutional right to refuse to give

16 him or any other officers consent to make such a per... such a search. And that such

17 rights are guaranteed to me by both the Texas and Federal constitutions. I do hereby

18 voluntarily wave those rights and authorize the following named officer to wit." [stops

19 reading] Myself...[inaudible] Ok? Rebecca's gonna be your [inaudible]. [continues to

20 read] "And those officers and analytical personal assistant, if any to sieze and to take

21 therefrom any item from my personal body they me [inaudible] to constitute evidence in

22 a proceeding. I have given consent on my own free will and accord while not being

0279

Scanned Jun 18, 2013

SX 4 - 44

1 subject to any threats, promises or compulsion of persuasion of any kind. I know that
2 any item siezed by the above named officer or other officers and taken by them from my
3 person and body can and will be used against me, for me, in a criminal proceeding."
4 What we wanna get is your blood, saliva, head hair, clippings, fingernails
5 ESCALANTE: ok. that's...That's good. [reading from paper] "I Melissa Elizabeth
6 Lucio having been. I hercinafter name this peace officer that I have a constitutional right
7 to be free from having him or other officers making warrantless search of the hereafter
8 mentioned items on my person and body and also a constitutional right to refuse to give
9 him or any other officers consent to make such a per... such a search. And that such
10 rights are guaranteed to me by both the Texas and Federal constitutions. I do hereby
11 voluntarily wave those rights and authorize the following named officer to wit." [stops
12 reading] Myself...[inaudible] Ok? Rebecca's gonna be your [inaudible]. [continues to
13 read] "And those officers and or medical personnel assistant, if any to sieze and to take
14 therefrom any item from my personal body they me [inaudible] to constitute evidence in
15 a proceeding. I have given consent on my own free will and accord without being
16 subject to any threats, promises or compulsion or persuasion of any kind. I know that
17 any item siezed by the above named officer or other officers [inaudible] and taken by
18 them from my person and body can and will be used against me, for me, in a criminal
19 proceeding." What we wanna get is your blood, saliva, swab, head hair, clippings,
20 fingernails for DNA comparison. Also dental mold impressions. Will you go ahead and
21 give us consent?
22 A: [nods head yes]

0280

Scanned Jun 18, 2013

SX 4 - 45

1 ESCALANTE: ok. What I need for you to do Melissa, is to sign right here. [to female
2 officer] Is this enough to cover?

3 Female Officer: Yes

4 A: [signs]

5 Female Officer: Can you sign...[inaudible]? [pointing to paper]

6 A: [signs]

7

8 ESCALANTE: Can I get the stuff for the...

9 A:

10 Female Officer: Sure.. umm.. I'm gonna put original in both just in case uhh the Dentist
11 needs some uhh an original or do I put original copy in [inaudible].

12 ESCALANTE: As long as somebody has the original, that's fine. If she wants to see a
13 copy or whatever... leave with her?

14 FEMALE OFFICER: But should I put original on both? Since we're asking for a dental
15 also.

16 ESCALANTE: Long as you have one original, you're fine.

17 FEMALE OFFICER: ok

18 ESCALANTE: You see what I saying?

19 FEMALE OFFICER: Yeah.

20 ESCALANTE: I will leave you all alone. I gonna get the stuff. I'll be right back.

21 [leaves office]

22 FEMALE OFFICER: Do you have any cigarettes? Do you smoke?

0 0281

Scanned Jun 18, 2013

SX 4 - 46

1 A: My husband has cigarettes. My husband has the cigarettes.

2 FEMALE OFFICER: No. I gave him one. I don't think he has any. Maybe... I smoke

3 menthols. I.. I umm...have menthols...

4 A: Maybe he left them in the car.

5 FEMALE OFFICER: Yeah. Cause I gave him one of mine. Um.. If you want one, I

6 have menthols. Was your husband cheating on you?

7 A: uh uh [nods head no]

8 FEMALE OFFICER: No? How long have you been married? Or you're not married?

9 A: Just common law.

10 FEMALE OFFICER: Have you been married before?

11 A: Uh huh. So what's gonna happen now?

12 FEMALE OFFICER: He's gonna take some of those tests. Uhh, he's gonna take these

13 for DNA. umm It's gonna be compared umm uhh your husband... or you common law

14 husband also signed one of these. So they're taking his to.. of course... to compare...

15 umm. At this point... right now we're still getting everything together. Umm... The

16 little girl you said, you said that your child umm.. umm threw up inside the car?

17 A: She threw up on me.

18 FEMALE OFFICER: But not inside the car?

19 A: No.

20 FEMALE OFFICER: Well, it was it at the house?

21 A: No. It was in the car. I had her on me. Cause she going to sleep

22 FEMALE OFFICER: Is it the grey car?

0282

Scanned Jun 18, 2013

SX 4 - 47

1 A: Uh huh

2 FEMALE OFFICER: ok. Where were you sitting? In the front seat? Or in the back

3 seat?

4 A: Front seat.

5 FEMALE OFFICER: Ok... so she was on... so nothing fell anyone??

6 A: No. She was on me. This was Thurs... Friday. And I had her like this because... uhh

7 yeah... it was already getting dark, I had her like this she was... she was sleeping..she was

8 going sleep. So I had her like this and she just threw up. She threw up Orange.

9 FEMALE OFFICER: Ok.

10 [VICTOR returns to office]

11 FEMALE OFFICER: They just paged me. I need to be witness to this, right?

12 ESCALANTE: To help me?

13 FEMALE OFFICER: Yeah.

14 ESCALANTE: Just this part.

15 FEMALE OFFICER: ok. Let me find out who's there. I'm not...I'm not gonna be long.

16 ESCALANTE: Yeah, go ahead, I'll wait for you.

17 ESCALANTE: Did your husband know anything about this? The bruising? What you

18 expect? The child abuse?

19 A: Huh uh [shakes head no]. [inaudible]...He was never there.

20 ESCALANTE: Turn that around.

21 UNKNOWN VOICE: Sure.

22 [camera is pointed at back wall]

0283

Scanned Jun 18, 2013

SX 4 - 48

1 ESCALANTE: I wanna let your hair down cause I'm gonna put it... put it in a pony tail.

2 [recorder is off time index 16:30:00]

3

4

5

6

7

8

00284

Scanned Jun 18, 2013

Third DVD Recording
of
Melissa Lucio
Custodial Interrogation



u 0285

Scanned Jun 18, 2013

STATE HABEAS ATTORNEY'S TRANSCRIPTION

OF

STATE'S EXHIBIT 5

0 0286

Scanned Jun 18, 2013

SX 5 - 1

1 VICTOR: Who read the rights? Do you know?

2 DETECTIVE VIARREAL: Umm. I believe it was Rebecca Cruz.

3 VICTOR: Ok. Whenever you're ready.

4 DETECTIVE VIARREAL: ok

5 VICTOR: So we gotta hold it like that?

6 DETECTIVE VIARREAL: Yeah... you can hold it like this.

7 VICTOR: It better that way?

8 DETECTIVE VIARREAL: The...Yeah. Cause I guess we're gonna be moving around...so.

9 VICTOR: Ok. Are you ready?

10 DETECTIVE VIARREAL: Uh huh.

11 VICTOR: Say when.

12 DETECTIVE VIARREAL: Good.

13 VICTOR: Melissa. Ok. Today's date is 2/18/2007. It is 3AM. We are here at the

14 Harlingen Police department. I am here with Melissa Lucio. My name is Victor Escalon

15 with the Texas Rangers. I have also in this room is officer Harlingen police detective Javier

16 Vierreal. Melissa. Your rights were read to you...ok?... and they still...still continuing

17 rights. ok? ... ahh... Did you understand your rights that were read to earlier?

18 A: Yes.

0 0287

Scanned Jun 18, 2013

SX 5 - 2

1 VICTOR: Ok. They're still in effect. What I want you to do...Melissa, we had talked about
2 it. Is I want you to show us... how you hit the baby. ok? Ahh...I wanna get these pictures.
3 [walks over and picks up pictures] And I wanna go over them with you and I want you to ...
4 don't hold back. ok? Just get it over with. So we can move on. ok? Ok Melissa? I want
5 you to do exactly how you did it. Exactly. It's gonna hurt for a little bit , I understand. ok?
6 But let's do it and get it over with. Ok? Let's start with the bite mark. There's two bite
7 marks on the back of... how do you pronounce her name? Mariah? [Melissa nods yes]
8 Mariah's back. On her on the back part of her ...on... on her back. In this area [pointing to
9 upper back of doll]. How would.. how did you do that? Was this laying in...in her bed?
10 And you all's bed? [Melissa shakes head no] Who's bed?
11 A: She was sitting down.
12 VICTOR: She was sitting down where?
13 A: On the bed I think.
14 VICTOR: Who's bed?
15 A: My bed.
16 VICTOR: ok. So she was sitting down. [moves doll to seated position] What did you do?
17 Show me.
18 A: I was combing her hair...
19 VICTOR: uh huh.. show me exactly how you did it.
20 A: I just placed my mouth over her back and bit her.
21 VICTOR: Was she acting up when you were combing her hair?
22 A: uh uh [shakes head no]

0 0288

Scanned Jun 18, 2013

SX 5 - 3

- 1 VICTOR: That's a pretty good bite. [Melissa nods yes] Did she make you mad?
- 2 A: [shakes head no] Uh unh.
- 3 VICTOR: Then why did you do it?
- 4 A: [Shaking head no] I just did it.
- 5 VICTOR: How did you do it? Just.. just re-enact what... how you did it.
- 6 A: Do I have to?
- 7 VICTOR: Just...Yes. You don't have to actually bite it but.
- 8 A: I just bite it... [lifting doll to her mouth] I just placed my mouth over her back and bit
- 9 her.
- 10 VICTOR: You brought her up to you like that?
- 11 A: uh huh... well she was...
- 12 VICTOR: Show me exactly how you did it.
- 13 A: [moves doll to her lap] She was already on me because I was combing her hair.
- 14 VICTOR: ok... so you were combing her hair like that... when was this?
- 15 A: I don't remember.
- 16 VICTOR: More or less.
- 17 A: 2 weeks ago?
- 18 VICTOR: 2 weeks ago? So you're combing her hair. Did you get mad? Were you
- 19 frustrated? What was going thru your mind?
- 20 A: [shaking head no] I don't know.
- 21 VICTOR: hate?
- 22 A: No

0 0289

Scanned Jun 18, 2013

SX 5 - 4

- 1 VICTOR: What was it? A little upset at Mariah?
- 2 A: uh uh [shaking head no]
- 3 VICTOR: Then why'd you bite her so hard?
- 4 A: Frustration, I guess
- 5 VICTOR: At what?
- 6 A: The kids jumping around.
- 7 VICTOR: And why did you take that out on Mariah?
- 8 A: I don't know.
- 9 VICTOR: So what did you do? You comb your hair... and what do you do?
- 10 A: I just finished combing her hair and I just brought her up towards me and I bit her.
- 11 VICTOR: Did you hit her?
- 12 A: Huh unh [shaking head no]
- 13 VICTOR: ok. The bruising on her back. All this black and blue on her back on her back.
- 14 How'd that happen? Show me that.... You said she was laying down. She was
- 15 A: At times she was laying down, at times she ummm When I would take her into the
- 16 shower, when I would tell her to turn around or sit down or do something so I could bathe
- 17 her, she wouldn't do it and I would spank her.
- 18 VICTOR: ok. Show... lay her down and show me how you would spank her. But it was it
- 19 like... was it one time? [puts left hand on baby] Was it several times?
- 20 A: Several times.
- 21 VICTOR: Show me how. But show me the... the same force you would use. With your
- 22 right or your left hand?

0 0290

Scanned Jun 18, 2013

SX 5 - 5

1 A: Left... Right hand

2 VICTOR: Would you be standing up or sitting down?

3 A: Both... Me?

4 VICTOR: How would you do it when you were sitting down? Show me how you would do
5 it. Wha.. I mean the way you actually did it. Just get it over with.

6 A: [spanking doll with right hand] Just spanked her real hard. On her back.

7 VICTOR: Well do it real hard like you...like you would do it.

8 A: [spanking doll with right hand again] Spank her hard.

9 VICTOR: That the way you would do it?

10 A: that's the way I would do it. I mean I wouldn't pound on her.

11 VICTOR: But [demonstrating with his hands]

12 A: Uh huh [spans doll 3 times with right hand] Like that.

13 VICTOR: Was it harder?

14 A: No

15 VICTOR: Cause I just...I... I'm doing it hard [demonstrating with his hands again].

16 A: Well.. you're doing it on yourself... and this is... I mean I wasn't pounding on her or
17 anything, I was [spanking doll again]

18 VICTOR: Show me exactly how you would do it...like this?

19 A: [spanking doll] Yes.

20 VICTOR: ok. how bout her legs? The bruising around her legs. Around her thighs...
21 between the knee and her hip... how...what's that from?

22 A: Spanking her.

0 0291

Scanned Jun 18, 2013

SX 5 - 6

1 VICTOR: How would you spank her there? Wha... laying down? Standing up?

2 A: No. She'd be sitting down and I would be getting her dressed and I would just spank her

3 like that on her leg [hits doll's right leg with her right hand]

4 VICTOR: Pretty hard?

5 A: [nods head yes] uh huh

6 VICTOR: Why would you spank her? front of the legs like that?

7 A: Just out of frustration.

8 VICTOR: She didn't wanna get dressed. or...?

9 A: She...she ... she wouldn't let me get her dressed.

10 VICTOR: Vagina? All those little bruises...ummm bruising? When would you... when

11 would you pinch her there?

12 A: When I would be getting her dressed.

13 VICTOR: You'd pinch her there?

14 A: uh huh

15 VICTOR: Why there? How bout when she's taking a shower?

16 A: No

17 VICTOR: When would you pinch her vagina? The outside.

18 A: When I would... When I would be changing her.

19 VICTOR: Did you ever poke her vagina inside?

20 A: Nuh uh [shaking head no] no

21 VICTOR: How bout the bruising on her arms... this area? [touching doll on upper arms]. At

22 her neck. The neck, shoulder, arms. How did those bruises occur?

0 0292

Scanned Jun 18, 2013

SX 5 - 7

1 A: I hadn't seen the ones on her neck till right now that you're showing to me.

2 VICTOR: ok. How did those occur?

3 A: I don't know. I hadn't noticed those. [shaking head no]

4 VICTOR: That... right there...white spot... where is that from?

5 A: I don't know. Probably a scratch or something.

6 VICTOR: And this is just what? Spanking?

7 A: uh huh

8 VICTOR: And on her calf area? What's that from?

9 A: Spanking.

10 VICTOR: The bottom of her foot?

11 A: I don't know about that one.

12 VICTOR: You've told me everything.

13 A: Yeah...I don't know about that one.

14 VICTOR: The bruising around her arms? This area? This area

15 A: That I... I think that would happen when I would come from upstairs downstairs and I

16 would grab her to go downstairs. I guess I would grab her [inaudible] whole thing.

17 VICTOR: You'd squeeze it thigh?

18 A: Uh huh [nods head yes]

19 VICTOR: Were you mad?

20 A: No. I would just grab her hard because we were coming downstairs and I didn't have

21 enough strength in this arm so I would get her tight because the step were really... really

22 sip... I mean very steep. [inaudible] so, you know she would walk down.

0 0293

Scanned Jun 18, 2013

SX 5 - 8

1 VICTOR: How about the bruises on her stomach and her chest area?

2 A: The same thing.

3 VICTOR: How? Like that little bruise in her stomach area. How'd you... how'd that
4 happen?

5 A: That one I don't know either. [shaking head no]

6 VICTOR: ok. Her chest?

7 A: Uh uh [shaking head no]

8 VICTOR: You said "same thing" What'd you mean by that?

9 A: Ohh... I thought you were talking about these over here. [points to picture]

10 VICTOR: How about all these bruises?

11 A: I don't know about those.

12 VICTOR: Did you spank her in the chest?

13 A: uh uh [shaking head no] No.

14 VICTOR: Did you punch her?

15 A: uh uh

16 VICTOR: Did you ever punch her?

17 A: uh uh [shaking head no]

18 VICTOR: How about the bruising right here? [points to picture] On top of her vagina?

19 A: Spanking.

20 VICTOR: Spanking? How would you spank her there? [moving doll] Show me exactly
21 how you did it.

22 A: I would just spank her like [hitting doll with right hand]

0 0294

Scanned Jun 18, 2013

SX 5 - 9

1 VICTOR: Do it the way you would actually do it. I know it's a baby, but..

2 A: Spank her hard. [hitting doll again]

3 VICTOR: How many times?

4 A: Several times.

5 VICTOR: What's several times?

6 A: 2, 3

7 VICTOR: but 2, 3 is not gonna do that...its...

8 A: No. I mean cause it was like day after day.

9 VICTOR: Day after day?

10 A: uh huh [nodding head yes] For it to be occuring that severe.

11 VICTOR: The scratches around her face?

12 A: [shaking head no] I don't know about those.

13 VICTOR: Did you love your daughter?

14 A: Yes

15 VICTOR: Did you have a favorite?

16 A: [nods yes]

17 VICTOR: Was this one your favorite?

18 A: [nods head no]

19 VICTOR: Why?

20 A: She was never with me.

21 VICTOR: Were you close to her?

22 A: uh uh

0 0295

Scanned Jun 18, 2013

SX 5 - 10

1 VICTOR: Why?

2 A: She got removed from me when she was 3 weeks old. By CPS. Then she got back...

3 they got back with me Nov 21st, 2006

4 VICTOR: Is that part of the reason you did this? Cause you weren't close?

5 A: [shrugs]

6 VICTOR: Do you have any questions investigator? Vierreal?

7 DETECTIVE VIERREAL: [inaudible]

8 VICTOR: Did anybody else spank her?

9 A: Uh uh

10 VICTOR: Your husband?

11 A: [shakes head no]

12 VICTOR: Your kids?

13 A: [shakes head no] uh uh

14 VICTOR: Did anybody else knew that you were spanking her that way?

15 A: uh uh [shaking head no]

16 VICTOR: Your kids?

17 VICTOR: We got statements that they knew. They saw you.

18 A: Yeah... they.. they would see me spank her... but not... not severely. My son Richard

19 would always tell me, you know, Why, why would I spank her and I would tell him was she

20 always gets up in the middle of the night and [inaudible]... Say "do you go see therapy?" and

21 I'd say "yes, I do." but they wouldn't be there with me when I ... when I would do what I did.

22 VICTOR: When you would what?

0 0296

Scanned Jun 18, 2013

SX 5 - 11

1 A: When I would spank her the way... to the point that where she would get bruises and
2 everything.

3 VICTOR: Well, how would you do it?

4 A: The way I showed you, that I would just get frustrated. I would just spank her.

5 VICTOR: How many times?

6 A: several times.

7 VICTOR: What's several times?

8 A: 2, 3, 4 times

9 VICTOR: Day after day?

10 A: uh huh

11 VICTOR: Was it 1, 2? Or was it 1, 2, 3, 4, 5, 6, 7, 8, 9, 10. [demonstrating on doll] How
12 many?

13 A: No. 2, 3, 4, 5.. not 10

14 VICTOR: So between 1 and 5.

15 A: Uh huh

16 VICTOR: Day after day?

17 A: Not every other day... and not every day. Every other day or so.

18 VICTOR: It was pretty consistent?

19 A: Uh huh

20 VICTOR: Did you hit her with a stick?

21 A: No Uh uh

22 VICTOR: Did you use anything?

0 0297

Scanned Jun 18, 2013

SX 5 - 12

1 A: uh uh

2 VICTOR: How do you feel when you see these pictures?

3 A: [shakes head no]

4 VICTOR: What's going thru your head?

5 A: I wish it was me there not her.

6 VICTOR: Is there anything else you wanna add?

7 A: [crying]

8 VICTOR: ok. Melissa. It's 3:15 AM. And I will end the interview.

9 [camera off]

10

11

12

13

14

15

16

17

18

19

20

21

22

0 0298

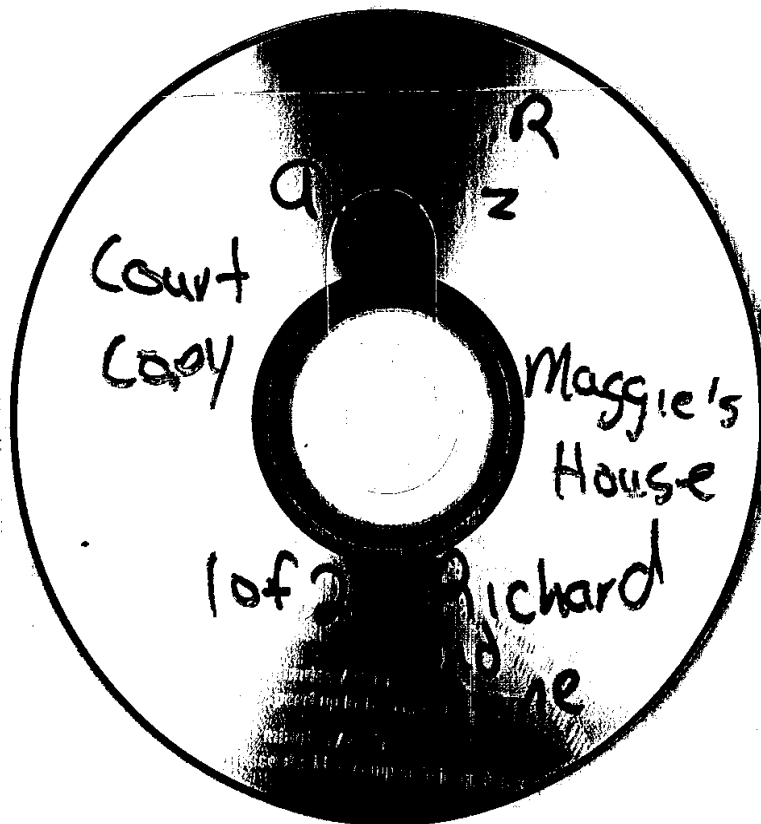
Scanned Jun 18, 2013

TAB

3

Scanned Jun 18, 2013

DVD Recording
of
Robert Alvarez
Custodial Interrogation



U 0300

Scanned Jun 18 2013

03/20/13 08:09 0550440869

DISTRICT ATTORNEY

PAGE 03/04

VOLUNTARY STATEMENT OF ACCUSED

I, Robert Antonio Alvarez, having been warned by Detective Jesus Banda, whose occupation is a police officer, at 12:05 AM on the 18th day of February, 2007 at the Harlingen Police Department, Cameron County, Texas,

- RA (1) That I have the right to remain silent and not make any statement at all and that any statement that I make may be used against me at my trial or trials;
- RA (2) That any statement I make may be used as evidence against me in Court;
- RA (3) That I have the right to have a lawyer present to advise me prior to and during any questioning;
- RA (4) That if I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning; and
- RA (5) That I have the right to terminate the interview at any time. I understand all of my rights as stated above, and now that I know my rights it is my choice to voluntarily give them up and to freely, intelligently, and knowingly make the following statements;

I am here at the Harlingen Police Department providing a statement to Detective Jesus Banda regarding the death of my child Mariah Alvarez.

My name is Robert Alvarez. My date of birth is 7-23-1970, and I am 36 years old. I currently reside at 117 West Lee Street in Harlingen, Texas. I can be reached on my daughter, Selina's phone (956) 792-1148. I work at Peso Bill's as a cook. I have worked there for two and a half months. I used to live with my family at the Madison Apartments located in front of the Casa Del Sol in Harlingen, Texas. We lived at that location for about a month and a half. The apartment was located upstairs and we were placed at that location temporarily by the landlord while he finished up the apartment on Lee Street. RA

The apartment on Madison was a two bedroom. Me, my wife and our nine children lived at that location. My children's names are: Alexandra Lucio -15 years old, Selina Lucio -14 years old, Rene Alvarez -9 years old, Richard Alvarez- 8 years old, Robert (Bobby) Alvarez- 7 years old, Gabriel Alvarez- 6 years old, Adriana Alvarez- 4 years old, Sarah Alvarez- 3 years old, Mariah- 2 years old (DECEASED). RA

On Thursday, February 15, 2007 I got home from picking up the kids from school. I went and dropped them off at the house with my wife, Melissa Lucio. I took off to go and get Alex, Selina and Sarah from school also. I came back and we all went inside the apartment located on Madison Street. My wife and I made sandwiches for the kids to eat. The kids were watching TV and doing their homework. Mariah was watching tv with the kids also. We stayed home for the rest of the night. I took off at about 6:00 PM to go check on the apartment on Lee Street. I had my sons, Richard and Rene with me to go the check on the apartment. We drove over and checked on the apartment to see if the utilities were on. The light was on but the water was off. I noticed that there was a water leak under the house and I called the landlord to get it fixed. I returned to the apartment on Madison Street. RA

Everyone was at the house. The kids were still eating their sandwiches and other fruits. Mariah was doing fine on this day as well as the other kids. The kids finished their work and went to sleep. I went to sleep at about 1:00 AM or 2:00 AM. It was me Melissa and Mariah in our bed. The other kids sleep in the living room.

The next morning which was Friday morning we were at the Madison Apartments. Alex is usually the first to wake up and he wakes everyone else up to get ready for school. Everyone takes individual baths except Sarah. She is bathed by

Witness

Witness

Signature of Accused

I, _____, do hereby certify that I have translated the foregoing statement from English to Spanish, to the within named [Name of Accused] and that he / she has signed the same with full knowledge and understanding of its contents and legal effects,

Scanned Jun 18, 2013 4:08 PM 40869

DISTRICT ATTORNEY

PAGE 04/04

Selina. I then go drop everyone off at school. My wife stays at home with Gabriel, Adriana and Mariah. Gabriel and Adriana go to school at 11:00 AM. I take them to school at that time and from there I got work from 11:30 AM to 2:30 PM. Nobody else goes to my house. R.D.

That Friday, February 16, 2007, our electricity had gotten shut off. Gabriel and Adriana did not go to school for this reason and also for the reason that Gabriel had a doctor's appointment. I did not go to work either. So I waited for the kids to get out of school. Right before 3:00 PM, Melissa, Mariah, Gabriel and Adriana and I went to pick up Rene, Richard and Bobby. We went to the apartment on Lee Street. I noticed that my electric meter was placed on someone else's hook-up. I corrected this and I returned back to the apartment on Madison. I started to gather our belongings and placed them in milk crates to take to the apartment on Lee Street. I loaded up the car and took Richard, Rene and Selina with me. On the second trip that I made to the house, my wife told me that my daughter Mariah had fallen down the stairs. The stairs are kind of steep. I was told that Mariah fell about two or three steps. I did not see her fall. I only heard this from my wife. R.D.

I asked my wife whether Mariah was alright. My wife said she was okay. I did notice that Mariah was experiencing some pain because she kept holding her head. You could tell that her head was hurting her. I had also noticed the bruises on Mariah's cheeks. When I asked my wife, Melissa, about it she said that it was because she was fighting with the kids and she bruised very easily. I asked her if she needed to be taken to the doctor. I believed her at that time. But now after thinking about it I think she did it. I know that I had seen Melissa spank Mariah with force before. I think back now and I believe that Mariah was scared of my wife. Mariah would look at Melissa any time I would ask her to do something. She would look at my wife and you could see she was scared of her. Thinking back I can remember that my children would tell me that my wife, Melissa, would hit Mariah. I could never hit my children. I would tell my children that Mommy was having a hard time with them. I would tell them that I had to work and Mommy (Melissa) had a hard time taking caring for them. R.D.

Today, Saturday, 2/17/2007, at about 9:00 AM I got up to feed the kids in the morning. I fed all the children. I went to check on Mariah where she was sleeping. The previous day I had noticed that Mariah was not being her usual self. Mariah was not alert like she usually was. She was lying down in the room where Melissa and I slept with Mariah. Mariah had not gotten up neither had Melissa. I walked over to Mariah and placed my hand over her chest. I was checking to see if she was breathing. She was breathing. She moved her arms and opened only one eye when I reached for her. I asked Melissa if Mariah was okay. She said that she was okay and that she had already checked her. I never saw her check Mariah. Melissa said that she had checked Mariah when I went to feed the kids earlier. R.D.

I offered to take her to the doctor and again Melissa said that Mariah was okay and that she had a cold. I feel that if I had taken her to the doctor Mariah would be alive right now. I felt that Mariah was not okay when Melissa told me that she was. I knew it was more than a cold. When I had gone to check on her to place my hand on her chest I raised Mariah's shirt to expose her chest. When I did this I saw the bruises on her arms. They looked purple and blue. They scared me and I asked Melissa about the bruises and again she told me that it was the kids that did that to her. I believed her then. Thinking back I don't think I would believe it now. I remember seeing bruises on her upper arms. It hurt me a lot when I saw the bruises. At about this time the kids started acting up again and I walked out to the living room and settled the other kids down. After that I had to go and get the other bed that I had bought from a co-worker. I left with Richard, Rene, and Selina to go meet with Christina, my co-worker, about the bed. Christina was not able to get into the storage so I returned to the apartment on Lee Street. I went back to the apartment on Lee Street and walked to the room to go check on Mariah. I just felt something was wrong so I went to check on her. Mariah was lying face down on a pillow. Her face was facing to the side. I turned her right side up and noticed that she was not breathing up. She was also pale. She had no color in her skin. She was still warm but not breathing. I yelled for Melissa and she ran over to where I was with Mariah. I told her that Mariah was not breathing and picked her up in my arms. Melissa started to shout, "No No No." All the kids started to shout and scream. They all began to cry. I started to perform Cardio Pulmonary Resuscitation (CPR) on Mariah. Daniella (my step-daughter) called someone on the phone. I don't know if it was BMS or 9-1-1. I kept on with CPR until the ambulance arrived. That is all I remember about the incident. RA

Witness

Witness

Signature of Accused

I, _____, do hereby certify that I have translated the foregoing statement from English to Spanish, to the within named [Name of Accused] and that he / she has signed the same with full knowledge and understanding of its contents and legal effects.

Scanned Jun 18, 2013

03/20/13 09:54:48 0069

DISTRICT ATTORNEY

PAGE 01/01

LEGAL RIGHTS

- RA⁽¹⁾ You have the right to have a lawyer present to advise you either prior to any questioning or during any questioning.
- RA⁽²⁾ If you are unable to employ a lawyer, you have the right to have a lawyer appointed to counsel with you prior to or during any questioning, and
- RA⁽³⁾ You have the right to remain silent and not make any statement at all and that any statement you make may and probably will be used in evidence against you at your trial.
- RA⁽⁴⁾ You have the right to terminate the interview at any time.

The Code provides the officer who takes the statement must give the accused the warning. The accused must then knowingly, intelligently and voluntarily waive his right to counsel and his right to remain silent. Failure to comply will void a confession.

Scanned Jun 18, 2013

TAB

4

Scanned Jun 18, 2013

DVD Recording
of
Maggie's House Interview



U 0305

Scanned Jun 18, 2013

STATE HABEAS ATTORNEY'S TRANSCRIPTION

OF

MAGGIE'S HOUSE INTERVIEWS

0-0306

Scanned Jun 18, 2013

Maggie's House - 1

1 [time index 0.00:48]

2 DEE: This way. And you can have a seat right over there please. Right there. My name is

3 Dee Romero. And this place is called Maggie's house. And my job here is to talk to the

4 boys and girls. I just want to remind you that inside that clock is a camera. And it's going to

5 be recording everything we talk about today. And it is on and it is working. Right after

6 we...

7 RICHARD: That's the microphone.

8 DEE: ...a microphone so I need for you to speak loud and clear so we can hear your voice

9 please. What's your name?

10 RICHARD: Richard

11 DEE: Richard. And your last name?

12 RICHARD: Alvarez

13 DEE: I'm sorry?

14 RICHARD: Alvarez

15 DEE: And you like to be called anything else beside Richard?

16 RICHARD: No

17 DEE: No? And how old are you Richard?

18 RICHARD: Nine

19 DEE: You need to speak loud because I can't hear you.

20 RICHARD: Nine

21 DEE: Nine. Ok. Richard today I'm gonna be asking you some very important questions.

22 And if I ask you something and you don't understand me, I want for you to tell me. So that I

060307

Scanned Jun 18, 2013

Maggie's House - 2

1 can ask you in a way that you can understand. Also Richard when you and I talk today and
2 you tell me things and then I say them back to you, if I say something wrong, or if I say
3 something that YOU didn't say, I want you to correct me. Ok? Also Richard if I ask you the
4 same question more than one time, it's not because you gave me a wrong answer, it's
5 probably because I have forget I had already asked you that same question. And then if I ask
6 you something and you don't know what the answer, I don't want for you to guess. So all
7 you have to do is tell me that you don't know something or that you don't remember and
8 that's ok. Now I'm gonna be writing on here Richard, so I don't forget what you tell me
9 today. Do you know today's date?
10 RICHARD: The 20th
11 DEE: The 20th of what?
12 RICHARD: of February
13 DEE: February. And what year are we?
14 RICHARD: 2007
15 DEE: Two thousand and seven. And what day of the week is it?
16 RICHARD: Tuesday
17 DEE: Tuesday, And Richard when is your birthday?
18 RICHARD: January 21st
19 DEE: January 21st. Of what year?
20 RICHARD: Ummm...98
21 DEE: 98. And what's the address where you live at Richard?
22 RICHARD: Right now?

0.0308

Scanned Jun 18, 2013

Maggie's House - 3

1 DEE: Uh huh
2 RICHARD: I don't know it.
3 DEE: You don't know it? And before? What was your address before?
4 RICHARD: I don't know.
5 DEE: Do you know the name of the town where you live?
6 RICHARD: Harlingen
7 DEE: Harlingen. And what school are you going to?
8 RICHARD: Right now?
9 DEE: Uh huh
10 RICHARD: uhhh... [inaudible]
11 DEE: [inaudible] What grade are you in?
12 RICHARD: 3rd
13 DEE: 3rd Grade, And what's your teacher's name?
14 RICHARD: Miss Pena
15 DEE: Miss Pena. And Richard what are some of the things you like to do for fun? And it
16 doesn't have to be in school it could be wherever.
17 RICHARD: Reading.
18 DEE: Reading
19 RICHARD: Playing Pool
20 DEE: Playing Pool. You can't open those ok. You need to put them away please. Thank
21 you. Reading. Playing pool. What do you like to read?
22 RICHARD: Books.

000309

Scanned Jun 18, 2013

Maggie's House - 4

1 DEE: What kinds of books do you like to read?

2 RICHARD: All kinds.

3 DEE: Like tell me some of the names of the books you've read. If you can remember.

4 RICHARD: I don't remember any.

5 DEE: You don't remember any? Ok. Anything else besides reading and playing pool?

6 RICHARD: No.

7 DEE: No? And who do you live with Richard?

8 RICHARD: Maria Lopez.

9 DEE: Maria Lopez.

10 RICHARD: Maria Lopez and Albert Lopez

11 DEE: Maria Lopez and Albert Lopez. And who are they?

12 RICHARD: Foster parents

13 DEE: They're your foster parents. Who else lives there?

14 RICHARD: Nicki.

15 DEE: Nicki.

16 RICHARD: Ortiz.

17 DEE: Who is ?

18 RICHARD: She is my foster sister

19 DEE: Your foster sister. Ok. Who else?

20 RICHARD: Lasa. And my brother and my sister.

21 DEE: Your brother...

22 RICHARD: My brother... my brother

0310

Scanned Jun 18, 2013

Maggie's House - 5

1 DEE: Ok. What are their names?
2 RICHARD: Robert Alvarez and Rene Alvarez
3 DEE: Ok. Robert and Rene?
4 RICHARD: Si
5 DEE: And how old are they?
6 RICHARD: 9 and 7
7 DEE: 9 and 7
8 RICHARD: [pointing at chart] No, he's not 9. He's 7.
9 DEE: ok. And Bene is nine?
10 RICHARD: 9
11 DEE: Anybody else?
12 RICHARD: No
13 DEE: No? Ok.
14 RICHARD: But Jessica, she comes but she doesn't live here.
15 DEE: Ok. So it's you, your, foster parents, Maria and Albert, your foster sister Nikki, your
16 brothers Robert and Rene.
17 RICHARD: You spelled Nikki wrong. It's NIKKY.
18 DEE: ok. Thank you for correcting me. And Richard there where you live with your family
19 right now, is that a house? An apartment?
20 RICHARD: [inaudible]
21 DEE: Or something else? With these people you live in an apartment?
22 RICHARD: No

0311

Scanned Jun 18, 2013

Maggie's House - 6

1 DEE: Ok. Well...

2 RICHARD: Well now, in a house

3 DEE: In a house. Ok. And what color is the house on the outside?

4 RICHARD: Uhhh, I don't know.

5 DEE: You don't know? Do you have your own room? Or do you share a room with

6 anyone?

7 RICHARD: I share a room with Rene.

8 DEE: ok. And what does your room look like? The one you share with Rene.

9 RICHARD: ohh... we... it has a clock... [inaudible].. Uhh color... white.

10 DEE: ok. Is there anything about the room that you like or that's your favorite?

11 RICHARD: No. The TV.

12 DEE: Ok. You need to be careful with the chair. You're either gonna fall and hurt yourself

13 or you're gonna break it and your gonna...

14 RICHARD: Is that glass?

15 DEE: No. Um. Richard when we first started talking today I told you that I was gonna be

16 asking you some very important questions and we need to find out if you know the

17 difference between what the truth is and what a lie is Richard. So can you tell me what

18 telling the truth means? What that is?

19 RICHARD: Uhhh... Not telling lying. Lying is not telling the truth.

20 DEE: Ok. If ahh Richard, is the truth something that has really happened, or is it something

21 that someone made up?

22 RICHARD: Something that really happened.

Scanned Jun 18, 2013

Maggie's House - 7

- 1 DEE: Something that really happened. What about a lie? What's a lie?
- 2 RICHARD: Something that someone made up.
- 3 DEE: Something that someone made up. Richard when I ask you questions today, can you
- 4 tell the truth?
- 5 RICHARD: Uh huh
- 6 DEE: Do you know why you came to talk to me today?
- 7 RICHARD: Nope
- 8 DEE: No. Has anything happened?
- 9 RICHARD: Where?
- 10 DEE: Anywhere.
- 11 RICHARD: Uhh... my sister died.
- 12 DEE: And what's her name?
- 13 RICHARD: Mariah.
- 14 DEE: And what happened to her?
- 15 RICHARD: She died.
- 16 DEE: How?
- 17 RICHARD: I don't know.
- 18 DEE: When did this happen?
- 19 RICHARD: Uhhh Sunday or Saturday.
- 20 DEE: Saturday or Sunday?
- 21 RICHARD: Saturday
- 22 DEE: Saturday.. ok. Tell me what you remember about that day.

0 0313

Scanned Jun 18, 2013

Maggie's House - 8

1 RICHARD: uhhh nothing. Everybody was crying.
2 DEE: Everybody was crying? Where were you at?
3 RICHARD: Outside my house
4 DEE: Outside of your house? And where was that at? Where were you living at?
5 RICHARD: uhh I don't know.
6 DEE: Was it a house? Was it ...
7 RICHARD: Apartment.
8 DEE: Apartment. Ok. Do you remember what apartment number you were in?
9 RICHARD: Uhhh.... Number 8?
10 DEE: Number 8.
11 RICHARD: I think
12 DEE: ok. And do you know what...what town you were living in? Where...Where those
13 apartments were?
14 RICHARD: Here [points to chart]
15 DEE: In Harlingen. And so when did you find out that your sister had died? Richard?
16 RICHARD: uhhh... on the same night.
17 DEE: On the same night? And how did you find out?
18 RICHARD: What do you mean?
19 DEE: How... how did you find out that she had died?
20 RICHARD: uhhh I don't know. Cause everybody was saying that she was dead.
21 DEE: Cause everybody was saying?... who.. who's everybody? Who was there?
22 RICHARD: Everybody

U. 0314

Scanned Jun 18, 2013

Maggie's House - 9

- 1 DEE: But I don't know who they are.
- 2 RICHARD: Uhh, my Mom , my Dad
- 3 DEE: Your mom and your dad? And what are their names?
- 4 RICHARD: uhhh...Bobby Alvarez um Robert Alvarez. Ummm and ummm Melissa
- 5 Alvarez um Lucio
- 6 DEE: ok. [writing on chart] And so do you know what... do you know how she died?
- 7 What happened to her?
- 8 RICHARD: She stopped breathing.
- 9 DEE: She stopped breathing?
- 10 RICHARD: Uh huh
- 11 DEE: Do you know how come she stopped breathing?
- 12 RICHARD: Uhhh what?
- 13 DEE: Do you know how come she stopped breathing?
- 14 RICHARD: No
- 15 DEE: So umm what did you...what did you do on that day? That Saturday? Tell me from
- 16 the very.. from the morning, what you did throughout the day on Saturday?
- 17 RICHARD: Nothing
- 18 DEE: Nothing? What do you mean nothing?
- 19 RICHARD: Nothing
- 20 DEE: Where... Where were you at?
- 21 RICHARD: I was at my house, that's all. Then was nothing happening.
- 22 DEE: Nothing

0315

Scanned Jun 18, 2013

Maggie's House - 10

1 RICHARD: Si
2 DEE: ok. And Richard, let me ask you , did you have a chance to see your little sister, shen
3 she was...
4 RICHARD: No
5 DEE: No?
6 RICHARD: Why?
7 DEE: Cause I want yo to tell me what she looked like
8 RICHARD: Oh well, I saw her once, Only once... [inaudible].
9 DEE: Uh huh. And what do you recall..
10 RICHARD: She was u...
11 DEE: She what?
12 RICHARD: She was pale.
13 DEE: She was pale?
14 RICHARD: That's all... I remember.
15 DEE: And did she have any marks anywhere?
16 RICHARD: I don't remember.
17 DEE: You don't remember? Do you know if she had any scratches? Or bruises?
18 Anywhere?
19 RICHARD: No. I don't remember.
20 DEE: You don't remember?
21 RICHARD: That was a long time ago. Well it really wasn't a long time ago, but like is...
22 was it a week ago?

0316

Scanned Jun 18, 2013

Maggie's House - 11

1 DEE: I don't know.

2 RICHARD: I think it was a week ago. Cause.. I.. I remember...I remember it was like,

3 ummm I remember when I was like ummm... when I got this scar [pointing to face].

4 DEE: Richard, let me ask you like, what happens to you when you misbehave? Or when
5 you do....

6 RICHARD: I get a timeout

7 DEE: And who puts you in timeout?

8 RICHARD: Maria

9 DEE: Who's Maria?

10 RICHARD: [points to name on chart]

11 DEE: ok. Your foster mom? So they put you in timeout? But before to live with Maria,...

12 RICHARD: Uhh what?

13 DEE: What would happen to you when you would misbehave or get in trouble?

14 RICHARD: I would get spanked a little.

15 DEE: By whom?

16 RICHARD: By my mom or my dad.

17 DEE: ok. With what? What would they spank you with?

18 RICHARD: Their hand

19 DEE: Where?

20 RICHARD: uhh... I don't know... like um almost everywhere?

21 DEE: Almost everywhere?

22 RICHARD: but not on the face

U. 0317

Scanned Jun 18, 2013

Maggie's House - 12

- 1 DEE: but not on the face. And how come not on the face?
- 2 RICHARD: Because then that would make bruises.
- 3 DEE: That would make bruises? Ok. And did you ever have any marks or bruises?
- 4 RICHARD: No
- 5 DEE: Where they would spank you?
- 6 RICHARD: Well at my other foster home... my first foster home, I would... I was always
- 7 getting bruises. On my.. on my arms.. right here.. right here. I would
- 8 DEE: ok. And did you ever tell anybody?
- 9 RICHARD: Yes. They didn't do nothing.
- 10 DEE: They didn't do anything? Ok. And let me ask you Richard... I know you were telling
- 11 me that, there at your house with your mommy and your dad. What happens to you there
- 12 when you misbehave?
- 13 RICHARD: I told you.
- 14 DEE: ok. That...That's where they spank you everywhere? Would you say?
- 15 RICHARD: No. Well they spank me on my butt at top
- 16 DEE: On your butt, ok But earlier you told me everywhere.
- 17 RICHARD: Yeah. Because that's where my step mom and that's where my sisters hit. ...
- 18 But.
- 19 DEE: But what?
- 20 RICHARD: Nothing.
- 21 DEE: ok. But you... I wanna know where they spank you.
- 22 RICHARD: My butt

U. 0318

Scanned Jun 18, 2013

Maggie's House - 13

1 DEE: On your butt. Ok. And what about your other brothers? What would happen to them

2 when they would misbehave or get into trouble?

3 RICHARD: Nothing. Same place.

4 DEE: Same place? Who would spank them?

5 RICHARD: My dad and my mom.

6 DEE: And did they ever spank you, or your brothers, with anything else besides the hand?

7 RICHARD: uhhh... I don't remember.

8 DEE: You don't remember? Ok. Did you ever see any marks or bruises on them?

9 RICHARD: On who?

10 DEE: Your brothers?

11 RICHARD: No.

12 DEE: No. And like how often would you get spanked?

13 RICHARD: uhh like once a month... every...every like, I would misbehave once a month

14 so they spank me once a month.

15 DEE: ok. And what were their reasons, why they would spank ... like what would happen?

16 RICHARD: uhh.. What do you mean?

17 DEE: What were some of the reasons why you would get hit?

18 RICHARD: Because I misbehaved.

19 DEE: ok. And what about them? What were some of the reasons why they got spanked?

20 RICHARD: I don't know.

21 DEE: And do you have any sisters besides Mariah?

22 RICHARD: Daniella, Adriana, Alex, Sara, Mariah

Scanned Jun 18, 2013

Maggie's House - 14

1 DEE: Mariah. And what would happen to them when they would misbehave?

2 RICHARD: Well.. they didn't misbehave.

3 DEE: They didn't get spanked?

4 RICHARD: I don't remember them getting spanked.

5 DEE: You.. and.. you said Adriana

6 RICHARD: Selina and Alex

7 DEE: [writing] Selina, and Alex

8 RICHARD: My step-sisters.

9 DEE: Ok So they never misbehaved?

10 RICHARD: Nope

11 DEE: No?

12 RICHARD: Yes they did. But like sometimes they wouldn't get spanked, sometimes they

13 did .

14 DEE: ok And who would spank them sometimes?

15 RICHARD: My mom or dad.

16 DEE: With what?

17 RICHARD: With their hand. Or .. they would.. they wouldn't hit them as hard as they did

18 to us... cause we were older.

19 DEE: ok. Cause... and who was... who is older? Which ones of the kids...

20 RICHARD: Selina and Alex

21 DEE: Hmm

22 RICHARD: Selina and Alex

Scanned Jun 18, 2013

Maggie's House - 15

1 DEE: Tina and Alex? They're how old are they?

2 RICHARD:: 13, 14

3 DEE: Which one is thirteen and which one is 14?

4 RICHARD: Selina is 14, Alex is 13.

5 DEE: ok. And what about if Adriana, Sarah and Mariah... how old are they?

6 RICHARD: Mariah was 2 yrs old. Adriana was 4 yrs old. Um Sarah was 3 yrs old.

7 DEE: 3 yrs old.

8 RICHARD: 2, 3, 4

9 DEE: ok. And so then umm what about them, .. Adriana Mariah and Sarah? What would
10 happen to them when they misbehave?

11 RICHARD: Well Mariah wouldn't get spanked cause she never misbehave.

12 DEE: She would never misbehave?

13 RICHARD: No. She's a baby

14 DEE: ok. SO how do you know that she would never get spanked?

15 RICHARD: Because I always watched over her.

16 DEE: You always watched over her?

17 RICHARD: Uh huh

18 DEE: ok. And so ummm when you would watch over her Richard, did you ever see if she
19 had any marks anywhere?

20 RICHARD: I never saw any marks.

21 DEE: You never saw any marks? Ok. Umm...and Richard, let me ask you , did ... have
22 the police ever come over to your house.

0321

Scanned Jun 18, 2013

Maggie's House - 16

1 RICHARD: Uh huh
2 DEE: For what?
3 RICHARD: ummmm... Fights.
4 [end of file VTS_01_1]
5 [beginning of file VTS_01_2]
6 DEE: Who.. who would get..?
7 RICHARD: Mom and Dad
8 DEE: About what?
9 RICHARD: I don't know.
10 DEE: And where were you guys at when the police would come?
11 RICHARD: Apartment
12 DEE: At the apartment.
13 RICHARD: We were in a different apartment
14 DEE: A different apartment?
15 RICHARD: uh huh
16 DEE: And umm did the police ever take anybody?
17 RICHARD: [shaking head no]
18 DEE: And did you...did like when you say your mom and dad would fight, how would they
19 fight? What would they do?
20 RICHARD: Punch and stuff.
21 DEE: And did you see it... ever see any marks or bruises on each other your mom or your
22 dad?

U 0322

Scanned Jun 18, 2013

Maggie's House - 17

1 RICHARD: My day has a scratch like that

2 DEE: And how did he get them?

3 RICHARD: My mom scratched him when they were fighting

4 DEE: While they were fighting?

5 RICHARD: uh huh

6 DEE: ok. And how do you know about this? How do you know about the scratches?

7 RICHARD: because umm, we saw them fighting.

8 DEE: You saw them fighting? And did uhhh, would you tell them anything? When you

9 saw them fighting?

10 RICHARD: Nope

11 DEE: Nope? How come?

12 RICHARD: I don't know. Does that clock work?

13 DEE: Sometimes it does and sometimes it doesn't. And Richard, I was gonna ask you umm

14 I was gonna... I wanted to ask you do you know what drugs are and beer and cigarettes.

15 RICHARD: Well beer, yes. Something that you drink. Liquid.

16 DEE: ok. Have you ever seen anybody drinking beer, smoking cigarettes or using drugs?

17 RICHARD: Well, when we were... when the first time when we went into foster my mom

18 and dad did drugs um but I haven't seen them

19 DEE: What kind of drugs?

20 RICHARD: Well, I haven't seen drugs, but I, I don't know what kind or what they were

21 called. But umm what was it again? Cigarettes? Well they would smoke cigarettes.

22 DEE: ok. And where would they smoke? Cigarettes?

u 0323

Scanned Jun 18, 2013

Maggie's House - 18

- 1 RICHARD: The would smoke in their room [inaudible] We didn't care if they smoked 'em.
- 2 DEE: And the beer, did you ever see anybody drinking?
- 3 RICHARD: Well some nights they did.
- 4 DEE: ok. What kind of beer did they drink?
- 5 RICHARD: Uhh.. I don't know.
- 6 DEE: Do you know what color the bottles were? Were they cans?
- 7 RICHARD: Uhh.. no... I think they were brown.
- 8 DEE: ok. And I know you said that the first time you went into foster care was because they
- 9 did drugs. Did you ever see them doing any drugs?
- 10 RICHARD: [shakeshead no]
- 11 DEE: So how did you know that they were doing...?
- 12 RICHARD: Because they were is the restroom all day.
- 13 DEE: But if people go in the restroom all the time, How did you know...?
- 14 RICHARD: Both of them.
- 15 DEE: Both of them?
- 16 RICHARD: And they [inaudible] questions. I don't know what kind of questions. I
- 17 remember [inaudible]
- 18 DEE: And umm besides the drugs were there other reasons why you went into foster care
- 19 the first time?
- 20 RICHARD: uhh no.
- 21 DEE: No? And Richard, are you scared of anybody?
- 22 RICHARD: uhh... nnn... I don't know.

U. 0324

Scanned Jun 18, 2013

Maggie's House - 19

1 DEE: You don't know? Richard, and has there ever been a time when you've been, like by
2 yourself you or your brothers or your sisters and there's no grown ups taking care of you?

3 RICHARD: uhh.... But there's been grownups yes

4 DEE: There's been grownups taking care of you?

5 RICHARD: Yes. Every day.

6 DEE: ok. Now... and who were those grownups taking care of you ...?

7 RICHARD: My sister...My sisters she's is already an adult.

8 DEE: And what's her name?

9 RICHARD: Daniella.

10 DEE: Daniella. Where does she live?

11 RICHARD: Uhhh...in a apartments.

12 DEE: With you guys? Or other apartments?

13 RICHARD: No. Other apartments.

14 DEE: Do you know how old she is?

15 RICHARD: She's 19

16 DEE: 19.

17 RICHARD: She's gonna be 20 this year.

18 DEE: And Richard, I was gonna ask you, like umm like how ...how... like did you find out
19 that Mariah was dead? Like how did you...who told you that she was dead?

20 RICHARD: Nobody. She was [inaudible]...and I felt her heart but it wasn't beating.

21 DEE: Her heart wasn't beating?

22 RICARD: Yeah. That's a sign that your dead.

0325

Scanned Jun 18, 2013

Maggie's House - 20

- 1 DEE: ok.. And did the ambulance or the police or anybody come over?
- 2 RICHARD: Yes
- 3 DEE: And who called them?
- 4 RICHARD: My sister Daniella
- 5 DEE: Your sister Daniella? Where were you when your sister was calling ...?
- 6 RICHARD: I was with her.
- 7 DEE: You were with her?
- 8 RICHARD: [nodding yes]
- 9 DEE: ok. And like who found Mariah like that? That she was ...?
- 10 RICHARD: My dad.
- 11 DEE: And where were you at when your dad...?
- 12 RICHARD: I was in the room with him.
- 13 DEE: ok. And what else do you remember?
- 14 RICHARD: uhh she turned pale and her heart wasn't beating. She wasn't breathing.
- 15 DEE: And do you remember what she was wearing?
- 16 RICHARD: uhhh pants. Uhh Brown pants and a pink shirt.
- 17 DEE: ok. And Richard, like who would help like you little sister Mariah like who would
- 18 help her take a bath or change her clothes?
- 19 RICHARD: My mom.
- 20 DEE: Would anybody else ever help her?
- 21 RICHARD: My sisters.

0326

Scanned Jun 18, 2013

Maggie's House - 21

1 DEE: Your sisters? And did you ever help your mom with her? To change her or take her

2 bath or help her in the bathroom or anything like that?

3 RICHARD: Nope

4 DEE: no

5 RICHARD: My mom would do all of it.

6 DEE: You mom would do ...

7 RICHARD: and my sisters too

8 DEE: Which one? Which sister?

9 RICHARD: Daniella. No.. Uh Selina and Alex

10 DEE: Salina and Alex. And Richard did ahh Mariah like ever walk around in your house

11 like with shorts or in her pampers or anything like that?

12 RICHARD: No

13 DEE: She was always wearing clothes?

14 RICHARD: Uh huh. But she... every night she woke me up, she was walking around

15 [inaudible] so she wanted some water.

16 DEE: oh. And would anybody give her water?

17 RICHARD: I would.

18 DEE: You would?

19 RICHARD: Renee would.

20 DEE: And Richard do you know if Mariah had had any.. if she'd been in any accidents? Or

21 hurt herself or anything like that?

22 RICHARD: Uhh she fell down 2 steps.

0.0327

Scanned Jun 18, 2013

Maggie's House - 22

- 1 DEE: Where at?
- 2 RICHARD: Uhh at the apartment where we were moving.
- 3 DEE: And how do you know this?
- 4 RICHARD: Because my mom said so.
- 5 DEE: But did you see it? Or did somebody tell you?
- 6 RICHARD: Somebody told me.
- 7 DEE: Who told you?
- 8 RICHARD: My mom
- 9 DEE: Your mom. But you never saw that happen?
- 10 RICHARD: No
- 11 DEE: And could she talk?
- 12 RICHARD: Well yeah.
- 13 DEE: And what would... what... what would she tell you?
- 14 RICHARD: That she love me and that... that umm that she would always love me and that
- 15 she want some water.
- 16 DEE: That she wanted some water?
- 17 RICHARD: Yeah cause [inaudible] she wanted some water.
- 18 DEE: And did you ever see like any scratches or bruises on her face or anything?
- 19 RICHARD: [inaudible]
- 20 DEE: On her face? I asked... I asked you on.. on any parts of her body. Did you ever see
- 21 any scratches or bruises on her?
- 22 RICHARD: I don't really recall.

000328

Scanned Jun 18, 2013

Maggie's House - 23

1 DEE: You don't recall? Because I saw some pictures of her, and she had a lot of scratches
2 on her face and she had bruises. Everywhere. So I wanted to know if you knew about
3 those? How she got those?

4 RICHARD: I don't know. I don't know how she got bruises or anything.

5 DEE: Did you ever see them though?

6 RICHARD: Well, I saw one bruise when she fell down the steps.

7 DEE: Where did she have it. Where did you see it?

8 RICHARD: uhhh I think there was one in her eye.

9 DEE: Uh huh

10 RICHARD: ummm I think her arm too.

11 DEE: ok. And had she been sick before Saturday?

12 RICHARD: Well. Yeah got a cold.

13 DEE: She had a cold? Was she sick from anything else?

14 RICHARD: uhh no.

15 DEE: No? Had anybody taken her to the doctor, or anything like that?

16 RICHARD: Uhh I don't know. Cause I was in school the whole time.

17 DEE: oh. And Richard I was gonna ask you like umm I knew you told me that you were in
18 foster care. How long were you in foster care the first time?

19 RICHARD: Two years.

20 DEE: Two years. And uhh how did you feel... like who told you that you could go back to
21 your family?

22 RICHARD: What do you mean?

00329

Scanned Jun 18, 2013

Maggie's House - 24

1 DEE: Like after you were in foster care like who told you that you could go home?

2 RICHARD: The judge

3 DEE: The judge. And how did you feel about going home?

4 RICHARD: Happy.

5 DEE: You were happy? And how were things when you first went home. After you got out
6 of foster...?

7 RICHARD: Good.

8 DEE: Good? Tell me some other things you would do with your family when you first went
9 back home?

10 RICHARD: uhh Nothing. Watch TV. My mom had jobs, so then my sister would take care
11 of us.

12 DEE: I'm sorry that [inaudible] what?

13 RICHARD: My sister Daniella would take care of us.

14 DEE: ok

15 RICHARD: Mostly while mom, mom and dad went to they jobs.

16 DEE: Oh so your mom and dad, they work and so your sister took care of you guys?

17 RICHARD:

18 DEE: And like uhh... did ... like did anybody ever go to your house to visit you guys? Or
19 anything like that?

20 RICHARD: My aunts, yes.

21 DEE: Your anuts? Ok. And did .. and did you feel safe when you went back to you house?

22 After being in foster care?

u 0330

Scanned Jun 18, 2013

Maggie's House - 25

1 RICHARD: Yes
2 DEE: Do you feel safe now?
3 RICHARD: Right now?
4 DEE: uh huh
5 RICHARD: Uhh... no
6 DEE: how come?
7 RICHARD: because I lost my mommy and my daddy.
8 DEE: You miss them?
9 RICHARD: [Nodding.]
10 DEE: ok. Have you seen them?
11 RICHARD: No
12 DEE: DO you know where they are at?
13 RICHARD: No
14 DEE: No? Have you talked to them or anything?
15 RICHARD: No
16 DEE: ok. Anything else Richard that you think would be important to tell me but maybe I
17 didn't ask you about it or forgot to ask you ?
18 RICHARD: uhhh... no
19 DEE: Richard, what I'm gonna do right now is I'm gonna show you a drawing. And it's
20 different from other drawings you might have seen before but I need your help. I need for
21 you to please tell me what you call the different parts of the body. And then I'm gonna be
22 able to ask you some other questions. Ok? You think you can help me?

u 0331

Scanned Jun 18, 2013

Maggie's House - 26

1 RICHARD: Uh huh
2 DEE: [paper shuffling] What is this a picture of?
3 RICHARD: A person
4 DEE: Is it a boy or is it a girl?
5 RICHARD: uhhh A boy
6 DEE: A boy.. ok. Excuse me [clearing throat]. Richard and what is this called on a boy?
7 RICHARD: Uhhh... hair?
8 DEE: Hair. And this?
9 RICHARD: Eye
10 DEE: Eye. And this?
11 RICHARD: Mouth
12 DEE: Mouth. And how about this?
13 RICHARD: Throat
14 DEE: Throat. And this?
15 RICHARD: Chest.
16 DEE: Chest. How about this?
17 RICHARD: Bellybutton
18 DEE: Bellybutton. And this?
19 RICHARD: Hand
20 DEE: Hand. And this?
21 RICHARD: A little part.
22 DEE: A little part. And this?

U 0332

Scanned Jun 18, 2013

Maggie's House - 27

1 RICHARD: a leg
2 DEE: leg. How about this?
3 RICHARD: uhh back?
4 DEE: back. And this?
5 RICHARD: Bottom
6 DEE: Bottom. Richard there are certain parts of our bodies that nobody should look at
7 those parts of our bodies...
8 RICHARD: I know [inaudible] that one and that one.
9 DEE: Can you put an X on them please?
10 RICHARD: [marking]
11 DEE: Thank you. So you put an X on the middle part and on the bottom. And Richard has
12 anybody ever touched you on these parts of your body?
13 RICHARD: No.
14 DEE: On... on any other parts of your body?
15 RICHARD: Nope
16 DEE: Has anybody ever asked you to touch them on these parts?
17 RICHARD: Nope
18 DEE: Or on any other parts?
19 RICHARD: Nope
20 DEE: Nope? Richard has anybody ever shown you those parts of their body?
21 RICHARD: Nope
22 DEE: Or any other parts of their body?

u 0333

Scanned Jun 18, 2013

Maggie's House - 28

1 RICHARD: Nope

2 DEE: Has anybody ever asked you to show them those parts of your body?

3 RICHARD: Nope

4 DEE: or any other parts of your body?

5 RICHARD: Nope

6 DEE: Richard has anybody ever asked if they could take pictures of any parts of your body?

7 RICHARD: Well...What do you mean?

8 DEE: Has anybody ever asked if they could take pictures of any of these parts of your body?

9 RICHARD: No

10 DEE: Richard, have you ever seen a person, any person, a grown up or another kid touching
11 another person or a kid on any of these parts of the body?

12 RICHARD: No

13 DEE: And has anybody ever shown you pictures, movies, magazines, things on the
14 computer where people don't have clothes on and are doing things they're not supposed to
15 be doing?

16 RICHARD: Nope

17 DEE: Nope? Ok. Well what I'm gonna do now Richard is I'm gonna step out real quick
18 and I'm going to see if umm the lady from CPS the lady that was here when you got here...
19 if she has any more questions for me to ask you. And I'll be right back. But you know
20 what?... If you want to..

21 RICHARD: Yes draw.

22 DEE: yeah. You can draw something right here, ok?

0334

Scanned Jun 18, 2013

Maggie's House - 29

1 RICHARD: Anywhere else?

2 DEE: No. Just on this page please. I'll be right back. I won't take long. [exits room]

3 RICHARD: [drawing] [to himself] I miss mommy and daddy. [singing...inaudible]

4 [end of file VTS_01_2]

5 [beginning of file VTS_01_3]

6 [time 23:14:17]

7 RICHARD: [standing at easel/chart, drawing]

8 DEE: What did you draw?

9 RICHARD: I don't know

10 DEE: You don't know? Richard, I don't have any more questions to ask you. I really want

11 to thank you for talking to me today. And if there was ever a time where you thought you

12 were not safe or somebody was gonna hurt you who would you tell?

13 RICHARD: And adult.

14 DEE: Like who?

15 RICHARD: Like Mom and Dad.

16 DEE: Anybody else besides...?

17 RICHARD: My Aunt and my Uncle. Grandma and Grandpa

18 DEE: Cause I just want you to know that it's cool the teacher, the counselor, the principle,

19 they're there to help the kids

20 RICHARD: yeah

U 0335

Scanned Jun 18, 2013

Maggie's House - 30

1 DEE: So you can tell them too. So in case your mom and your dad and your uncle and your
2 aunt are not there. Ok? And for now we can go back out there and you can have a seat in
3 the living room. We're finished. Thank you very much.

4 RICHARD: Welcome

5 [file VTS_01_3, time index 0:01:10.1]

6 [voice outside room]

7 [file VTS_01_3, time index 0:02:57.0]

8 DEE: Come on [inaudible]. Have a seat. Right over there, please. And you can move the
9 chair. A little bit closer. There you go. Thank you. My name is Dee Romero. And this
10 place is called Maggie's House. And my job here is talk to the boys and girls. And I just
11 wanna remind you that inside the clock is a camera. And it's going to be recording
12 everything we talk about today and it is on and it working. Up there is the microphone so I
13 am going to ask you to please speak loud so I can hear your voice. What's your name
14 please?

15 RENE: Renee

16 DEE: Renee. And do you have a middle name Renee?

17 RENE: Um hmm... [inaudible]

18 DEE: [inaudible] And your last name?

19 RENE: Alvarez

20 DEE: Alvarez. And do you like to be called anything else besides Rene? Or Anthony?

21 What do you like to be called?

22 RENE: Nothing. Just Rene

0 0336

Scanned Jun 18, 2013

Maggie's House - 31

1 DEE: Just Renee. And how old are you Renee?

2 RENE: 9. I'll be 10 February 25th.

3 DEE: ok.. So your birthday's coming up kind of quick. So you're 9 right now. Renee today

4 I'm gonna be asking you some very important questions and if I ask you something and you

5 don't understand me I want for you to tell me. So that I can ask you in a way that you can

6 understand me. Also Renee when you and I talk today and you tell me things, and then I say

7 them back to you if I say something wrong or if I say something that you didn't say I want

8 for you to correct me. Ok? Also Renee if I ask you the same question more than one time

9 it's not because you gave me a wrong answer. It's probably because I forgot I had already

10 asked you that same question. And then if I ask you something and you don't know the

11 answer, I don't want for you to guess. So all you have to do is tell me that you don't know

12 something or that you don't remember and that's ok. And I'm gonna be writing on here

13 Renee so I don't forget what you tell me. Do you know today's date?

14 RENE: ummm... February 20th. Ummm... today's...ohh s... 07

15 DEE: Do you know what day of the week it is today?

16 RENE: ummm

17 DEE: Today is Tuesday. And what's... I know you say your birthday is on the 25 of

18 RENE: 25th

19 DEE: of what?

20 RENE: February

21 DEE: February. DO you know what year you were born?

22 RENE: umm ninety... ninety seven

0337

Scanned Jun 18, 2013

Maggie's House - 32

- 1 DEE: Ninety seven. And what's the address where you live at Rene?
- 2 RENE: I don't know. Ummm
- 3 DEE: Do you know the name of the town you're living in?
- 4 RENE: ummm Brownsville and I live on a street called [inaudible]
- 5 DEE: [inaudible]? Brown [inaudible]. And Renee ummm let me ask you, what school do
- 6 you go to?
- 7 RENE: [inaudible]. I forgot
- 8 DEE: You forgot? Do you know your teacher's name?
- 9 RENE: umm... no I don't know...
- 10 DEE: What grade are you in?
- 11 RENE: I'm fourth
- 12 DEE: fourth. Ok. And Renee what are some of the things you like to do for fun? And it
- 13 doesn't have to be in school. It could be wherever.
- 14 RENE: I play basketball.
- 15 DEE: Play Basketball. And who do you play basketball with?
- 16 RENE: With Richard
- 17 DEE: With Richard. Ok. Who else?
- 18 RENE: Bobby
- 19 DEE: ok. What else do you like to do?
- 20 RENE: Play football.
- 21 DEE: Play football. And who do you play with.
- 22 RENE: Bobby ad Richard.

U 0338

Scanned Jun 18, 2013

Maggie's House - 33

1 DEE: Also? Ok. Anything else besides basketball and football?

2 RENE: ummm [inaudible]

3 DEE: So you just like sports? And who do you live with Rene?

4 RENE: With Abel and Maria.

5 DEE: And who are they?

6 RENE: They're the Lopez's

7 DEE: They're the Lopez's?

8 RENE: um hmm

9 DEE: But what are they to you?

10 RENE: Foster [inaudible]

11 DEE: Foster Parents... ok

12 RENE: [inaudible]

13 DEE: Who else lives there?

14 RENE: Alex and Nicky.

15 DEE: Alex and Nicky. And who are they?

16 RENE: They're other foster...

17 DEE: They're foster... are they boys or girls.

18 RENE: A boy and a girl.

19 DEE: ok. Who else lives there?

20 RENE: That's it.

21 DEE: What about your bothers. Where do they live?

22 RENE: They live with me.

U 0339

Scanned Jun 18, 2013

Maggie's House - 34

1 DEE: They live... they're with the Lopezes? Are what are their names?
2 RENE: Richard and Bobby.
3 DEE: Richard and ... And Bobby? Or Robby?
4 RENE: Bobby
5 DEE: Bobby. Ok. How old are they?
6 RENE: Richard is nine. [inaudible] and Bobby is umm seven.
7 DEE: seven... ok. And it's you, the Lopez's, Mr. and Mrs. Lopez They're foster parents
8 and Alex, Nicky, your brothers Richard and Bobby. And Rene, there where you live with
9 the Lopez's is that a house, an apartment, a trailer, or something...
10 RENE: House
11 DEE: And what color is the house on the outside?
12 RENE: red. Kind of whitish pink.
13 DEE: ok. And do you have your own room or do you share a room.
14 RENE: I share a room [inaudible]
15 DEE: And what is y'all's room look like?
16 RENE: ummm...I don't know... I can't really describe it
17 DEE: You can't describe it. Is there anything about it that you like or that's your favorite?
18 RENE: I have a TV
19 DEE: You have a TV... ok. Rene when we first started talking today, I told you that I was
20 gonna be asking you some very important questions. And we need to find out if you know
21 the difference between what the truth is and what a lie is. So can you tell me what telling the
22 truth is? What it means?

00340

Scanned Jun 18, 2013

Maggie's House - 35

1 RENE: [inaudible] you don't lie

2 DEE: You don't lie? Is the truth something that has really happened or is it something that

3 somebody made up?

4 RENE: Something that really happened

5 DEE: Something that really happened. What about a lie? Rene, what's a lie...

6 RENE: Something that didn't happen.

7 DEE: ok. Something that didn't happen. Rene when I ask you question today, can you tell

8 the truth?

9 RENE: Yes

10 DEE: Do you know why you came to talk to me today?

11 RENE: I don't know

12 DEE: Has anything happened?

13 RENE: Mariah died.

14 DEE: Who's Mariah?

15 RENE: My sister.

16 DEE: Your Sister. And how old is she?

17 RENE: She was 2 yrs old.

18 DEE: She was 2. And when did this happen?

19 RENE: Saturday

20 DEE: Tell what happened that day?

21 RENE: We don't know. We just came back

22 DEE: uh huh

0 0341

Scanned Jun 18, 2013

Maggie's House - 36

- 1 RENE: and then she was like umm dead.
- 2 DEE: She was...or who.. where were.. where were you?
- 3 RENE: We were... We were... had left.
- 4 DEE: Uh huh
- 5 RENE: and then we came back
- 6 DEE: Yeah...Where did you guys go?
- 7 RENE: To my dad's friend's house.
- 8 DEE: uh huh
- 9 RENE: And then we came back home and she was dead.
- 10 DEE: And what's your dad's friend's name? Where you were...?
- 11 RENE: Minke
- 12 DEE: Minke. And what did you guys go do over there?
- 13 RENE: [inaudible] [inaudible] [inaudible] cars
- 14 DEE: On cars? And who... who went with your dad? Who was with...
- 15 RENE: Me and Richard and Selina
- 16 DEE: ok.. So you, Rene, Richard and Salina were with your dad.
- 17 RENE: yes
- 18 DEE: So then when you came back.. what.. tell me what was the first thing you saw when
- 19 you got back to your house?
- 20 RENE: Ummm She was... My dad took her to the ground cause she wasn't breathing. And
- 21 then.. then... he called my mom and they got scared cause she was dead.
- 22 DEE: Where was she at?

0 0342

Scanned Jun 18, 2013

Maggie's House - 37

1 RENE: She was in... on the bed.

2 DEE: When. But where?

3 RENE: ummm... in my mom's room

4 DEE: in your mom's room. And who... who had been taking care of her?

5 RENE: My Mom and Dad.

6 DEE: Your Mom and Dad. And like before you left with your dad and with Richard and

7 Salina, what do you remember about Mariah before you left.

8 RENE: nothing cause we weren't in the room with her. We were outside playing.

9 DEE: So had you seen her at all that day?

10 RENE: No. Just in the morning.

11 DEE: And what do you remember about the morning?

12 RENE: She was laying ok.. she was breathing but... but ummm she was going to

13 sleep...and I guess she died when she was asleep.

14 DEE: And do you know if anything had happened to her?

15 RENE: No

16 DEE: Had she been sick or had anything happened to her?

17 RENE: I think she was sick

18 DEE: [inaudible] And what makes you think she was sick Renee? How did you know

19 that?

20 RENE: ummm I was thinking that she was sick.

21 DEE: ok. Had she had any accidents, or had anything happened to her or anything like that?

22 RENE: She fell down some steps.

0343

Scanned Jun 18, 2013

Maggie's House - 38

1 DEE: When did that happen?

2 RENE: When we were in the other apartment

3 DEE: In which apartment?

4 RENE: ummm I don't know what they were called. We were living in this apartment cause
5 we were waiting to move in to other one so we had the apartment for free.

6 DEE: Oh. Ok. And so, did it happen at the apartments you were living at or at some other
7 apartments?

8 RENE: The apartments that we were.. that we were living. When like – what are you
9 talking about?

10 DEE: Like where she would did... did like happen..

11 RENE: Where she died?

12 DEE: Uh huh... Did it happen there that she fell?

13 RENE: [inaudible] No

14 DEE: It happened somewhere else?

15 RENE: Yeah

16 DEE: ok. What color were those apartments?

17 RENE: They were white.

18 DEE: They were white? And...what in.. what town were they in? What...What town were
19 they.

20 RENE: It was in... like downtown Harlingen.

21 DEE: Downtown Harlingen. And did you see her fall? Or did somebody tell you that that's
22 what had happened?

0 0344

Scanned Jun 18, 2013

Maggie's House - 39

1 RENE: No. I saw it.

2 DEE: You saw? Tell me what you saw?

3 RENE: Like umm when we were moving

4 DEE: Uh huh

5 RENE: ... and then when I came down we were going downstairs and my mom told her to

6 wait right there, but then she started walking and then she fell down the steps.

7 DEE: How many steps did she fall down?

8 RENE: Like 3. Last 3.

9 DEE: And how.. how did she act after she fell?

10 RENE: She...Nothing, she wouldn't...she wouldn't even cry.

11 DEE: She wasn't even crying?

12 RENE: No

13 DEE: Do you know if she hit herself with anything or got hurt in any way?

14 RENE: [Shaking head no.]

15 DEE: Do you remember seeing any marks or scratches or bruises after she fell from the

16 stairs?

17 RENE: No

18 DEE: No. And so ummm Renee I was gonna ask you... then on Saturday when she died,

19 when this happened to her ... what do you remember about her? Like...how did she look on

20 that day?

21 RENE: I don't remember.

U 0345

Scanned Jun 18, 2013

Maggie's House - 40

1 DEE: And what about after you saw her? That she wasn't breathing anymore... how did
2 she look?

3 RENE: I don't know.

4 DEE: On Saturday when this happened to her? When she stopped breathing... Do you
5 remember seeing any marks or bruises or scratches or anything on her?

6 RENE: I never seen anything. I just... My dad picked her up and he got scared and... I
7 stayed in the room.

8 DEE: Crying? You stayed in the room crying? So who was the person that told you that...
9 that Mariah had died?

10 RENE: My dad.

11 DEE: And how did he know?

12 RENE: Cause she wasn't breathing... her heart wasn't beating or nothing.

13 DEE: ohh. And where was your mom at when...

14 RENE: In... in my room. With my sister.

15 DEE: Which one? Which?

16 RENE: My big sister Daniella.

17 DEE: And what were they doing?

18 RENE: They were talking.

19 DEE: What were they talking about?

20 RENE: I don't know.

21 DEE: And so when they did the police or the ambulance or anybody come over to your
22 house?

0346

Scanned Jun 18, 2013

Maggie's House - 41

1 [time index 0:13:47.6 of file VTS_01_3]

2 RENE: Yes.

3 DEE: Who?

4 RENE: The ambulance and the police.

5 DEE: Both of them came? And who called them?

6 RENE: My sister Daniella.

7 DEE: Your sister Daniella? Ok.

8 RENE: Um hmm

9 DEE: And when she was calling the police where were you at?

10 RENE: uhhh I was outside.

11 DEE: Who else was outside?

12 RENE: No. I was inside, I was inside.

13 DEE: You were inside? Who else was inside?

14 RENE: umm Richard and Bobby and Gabriel and [inaudible.. background noise]

15 DEE: So everybody was inside? And where were your mom and dad?

16 RENE: They were inside too.

17 DEE: They were inside. But like in what part of your apartment where you all the kids at?

18 RENE: Back in the living room

19 DEE: And what about your parents and your older sister...

20 RENE: Living room.

21 DEE: Living room. So everybody was there?

22 RENE: Yes

u 0347

Scanned Jun 18, 2013

Maggie's House - 42

1 DEE: And uhh Renee like umm how was like everybody acting?

2 RENE: Like scared.

3 DEE: They were scared? How come?

4 RENE: Cause ... I don't know.

5 [end of file VTS_01_3]

6 [beginning of file VTS_01_4]

7 DEE: And how about you? What did you think or feel when...?

8 RENE: Sad.

9 DEE: Sad. And Rene did anybody like tell you all like what to say? Or if any... for you not

10 to say anything if anyone ever asked you any questions or anything like that?

11 RENE: No

12 DEE: ok. And Rene let me ask you like umm. What happens to you when you would like

13 would misbehave or get in trouble or anything like that?

14 RENE: ummm Mom would get mad at me.

15 DEE: She would get mad at you and what would happen?

16 RENE: She would put us in... she would put me in a corner.

17 DEE: ok. And what about your brothers and your sisters? What would happen to them

18 when they would misbehave? Or [inaudible]

19 RENE: ummm.. they were put in the corner.

20 DEE: Did anyone ever get hit for misbehaving? Or for not being... [inaudible]

21 RENE: Yes. Just in the bottom.

22 DEE: Just in the bottom? Who.. and who would do the hitting?

000348

Scanned Jun 18, 2013

Maggie's House - 43

1 RENE: My... umm my Dad or Mom.

2 DEE: ok. With what? What would they hit you...?

3 RENE: With their hands.

4 DEE: With their hands. And did you ever have any marks or bruises when you would get
5 spanked?

6 RENE: No.

7 DEE: What about any of your brothers or your sisters.

8 RENE: I don't know

9 DEE: Did you ever see any marks or bruises on them?

10 RENE: No.

11 DEE: ok. And.. and Rencc, let me ask you uumm... like who would ... who would spank
12 you guys more? Your mom? Your dad? Or somebody else?

13 RENE: Nobody,

14 DEE: huh

15 RENE: Nobody.

16 DEE: Cause you said that your mom or your dad would spank you all.

17 RENE: I know, but they wouldn't spank us a lot.

18 DEE: ok. How often would you get spanked?

19 RENE: like ... I don't know...

20 DEE: every day? Uhh.. once a week? ...

21 RENE: Kind of once a week.

22 DEE: Would anybody get spanked MORE than some of the other kids?

U 0349

Scanned Jun 18, 2013

Maggie's House - 44

1 RENE: Gabriel because he always misbehaved.

2 DEE: And who is Gabriel?

3 RENE: My little brother.

4 DEE: And where is he at?

5 RENE: He's at another foster home.

6 DEE: ok. And how old is he?

7 RENE: He is 5 or 6.

8 DEE: So he would get spanked the most?

9 RENE: Yes because he always misbehaved.

10 DEE: ok. And did you ever see any marks or bruises on him?

11 RENE: No.

12 DEE: And who would spank him for not listening of for not...

13 RENE: My mom or dad.

14 DEE: Your mom or dad. Ok. And Rene I was gonna ask you ummm the lady.. the lady

15 from CPS and the lady from the police, she showed me some pictures of your little sister

16 Mariah. And she had scratches on her face and she had bruises on all of these parts of her

17 body? How did she get that?

18 RENE: I don't know

19 DEE: Did you see any of those marks?

20 RENE: When she died?

21 DEE: uh huh

22 RENE: No.

0 0350

Scanned Jun 18, 2013

Maggie's House - 45

1 DEE: Did..and what about her face? Do you remember any scratches or bruises or anything

2 like that?

3 RENE: No

4 DEE: No. Are you scared of anything?

5 RENE: Unh uh

6 DEE: and Renee I was gonna ask you... I've um... has there ever been a time when there's

7 no grown ups taking of you or your brothers or your sisters?

8 RENE: No

9 DEE: No? Who's the...Who are the people that are take care of you guys?

10 RENE: My sisters.

11 DEE: Which ones?

12 RENE: Alex and Selina.

13 DEE: and how old are they?

14 RENE: they're ... I think one's umm 15 and the other one's 14.

15 DEE: ok. How old is ...

16 RENE: [inaudible] Daniella takes care of us too.

17 DEE: ok. How old is Alex?

18 RENE: She's like 15

19 DEE: And Selina?

20 RENE: 14

21 DEE: And Daniella

22 RENE: 19

0351

Scanned Jun 18, 2013

Maggie's House - 46

1 DEE: 19. So they would .. they would ... they would all take care of you guys?

2 RENE: yes

3 DEE: and [inaudible] where were you mom and dad when they would take care of you?

4 RENE: They would go.. they would go buy food.

5 DEE: They would go buy food? And how long would they be gone?

6 RENE: umm Like an hour

7 DEE: like an hour? Ok. And Rene I was gonna ask you, Have you ever have ... besides

8 this Satur.. this Saturday when this happened, had the police ever come up to your house at

9 other times?

10 RENE: Just when Mom and Dad were fighting.

11 DEE: And what would they fight about?

12 RENE: ummm I don't know. Oh, because my mom would always say that my dad would

13 never spank us and my dad would always get mad and he said that he would always say that

14 he did spank us and they would just get mad at each other.

15 DEE: They would just get mad at each other? And like what would happen? What would

16 they do to each other?

17 RENE: They would hit each other.

18 DEE: How? Like how?

19 RENE: Like punch,... well not punch.. like my mom just slap him, and my dad would just

20 get mad and my mom would push him.

21 DEE: And did you... I' sorry go ah...

22 RENE: And my brother would come and then my brother would fight with my dad.

00352

Scanned Jun 18, 2013

Maggie's House - 47

1 DEE: Which brother?

2 RENE: John

3 DEE: Who?

4 RENE: John

5 DEE: And how old is John?

6 RENE: John is seventeen.

7 DEE: And so he would fight with your dad?

8 RENE: Yes

9 DEE: And how? How would he fight with your...?

10 RENE: Beca... well..John is his... my ... my brother but he has a different dad.

11 DEE: ok. So he would come and fight with your dad? What's your.. What's your mom

12 and dad's name?

13 RENE: My mom's name is Melissa Lucio.

14 DEE: umm hmm

15 RENE: And and my dad name is Robert Alvarez.

16 DEE: And when they.. when you say that they would fight, how.. how did they fight? John

17 an your dad?

18 RENE: They would punch each other.

19 DEE: And did you ever see any marks or bruises on each other... like after the ... they

20 were...

21 RENE: My dad would just get scratch marks but nothing else.

22 DEE: And what about John? Did you ever see any marks or bruises on him?

0353

Scanned Jun 18, 2013

Maggie's House - 48

1 RENE: No

2 DEE: And what about when your mom and dad would fight with each other? Did you ever
3 see any marks or bruises on each other?

4 RENE: No

5 DEE: And so what would happen once the police would come?

6 RENE: My dad would leave. And then he would come back the next day and they wouldn't
7 fight anymore.

8 DEE: And they wouldn't fight anymore?

9 RENE: [inaudible]

10 DEE: ok. And Renee, I was gonna ask you, have you ever seen anybody using and drugs ,
11 or drinking beer, or smoking cigarettes or anything like that?

12 RENE: No. My dad just he would just drink beer and smoke ci... smoke cigarettes.

13 DEE: Now what kind of beer did they drink?

14 RENE: I don't know.

15 DEE: Like what color is the bottle or the can?

16 RENE: Ohh.. Bud Light.

17 DEE: Bud Light? Ok. And what kind of cigarettes do they smoke?

18 RENE: Marlboro 100.

19 DEE: Did you ever see them doing anything else besides drinking beer and smoking
20 Marlboro cigarettes?

21 RENE: No.

22 DEE: And how would they act when they would drink?

U 0354

Scanned Jun 18, 2013

Maggie's House - 49

1 RENE: Nothing... they were just laughing at us.

2 DEE: ok. Did the police ever have to come out? Cause something happened when they
3 were drinking? Or anything like that?

4 RENE: No

5 DEE: No And how would they act?

6 RENE: Like.. they would act normal. Except that they would just be laughing a lot.

7 DEE: They would laugh a lot? And how often did they drink?

8 RENE: Not often cause they mostly taking care of us and getting stuff for us.

9 DEE: uh huh. And how often did they smoke?

10 RENE: I don't know. Like every day.

11 DEE: Every Day? Ok. And umm Rene, I was gonna ask you has there ever been a time like
12 when you didn't have any food to eat or you needed something for school and you know you
13 couldn't buy it cause you had no money?

14 RENE: No.

15 DEE: No? ok. Well what I'm gonna do right now Rene is I am gonna show a drawing, and
16 it's different from other drawings you might have seen before cause it has all the parts of the
17 body. And I need for you to please tell me what you call the different parts of the body. So
18 that I can ask you some other questions. [shuffling paper] What is this a picture of?

19 RENE: A person

20 DEE: A person. A boy or a girl?

21 RENE: A boy

22 DEE: A boy. [shuffling papers]. And what is this called on the boy?

U. 0355

Scanned Jun 18, 2013

Maggie's House - 50

1 RENE: Head

2 DEE: It's the head. And this?

3 RENE: The eye.

4 DEE: The eye. How about this?

5 RENE: The mouth

6 DEE: Mouth. And this?

7 RENE: Throat

8 DEE: Throat. How about this?

9 RENE: I don't know

10 DEE: You don't know? Ok

11 RENE: Belly button

12 DEE: Now this?

13 RENE: Hand

14 DEE: Hand. And this?

15 RENE: Middle part?

16 DEE: How about this?

17 RENE: The back

18 DEE: Back. And this?

19 RENE: Bottom

20 DEE: Bottom. Renee there are certain parts of our bodies that nobody should look at those

21 parts and nobody should touch those parts. Can you put an X on the parts that no one should

22 look at or touch please?

u 0356

Scanned Jun 18, 2013

Maggie's House - 51

1 RENE: [marking]

2 DEE: Thank you. SO you put an X on the middle part and on the bottom. Renee has
3 anybody ever touched you on those parts of your body. Or on ANY other parts of your
4 body?

5 RENE: No Ma'am

6 DEE: Has anyone ever asked you to touch them on those parts of the body?

7 RENE: No Ma'ma

8 DEE: Or on any other parts of the body?

9 RENE: No Ma'am

10 DEE: Has anybody ever asked you to show them these parts of your body?

11 RENE: No Ma'am

12 DEE: Or other parts of your body?

13 RENE: No Ma'am

14 DEE: Has anybody ever showed you these parts of their body?

15 RENE: No Ma'am

16 DEE: Or any other parts of their bodies?

17 RENE: No

18 DEE: And Renee has anybody ever asked you if they can take pictures of your body?

19 RENE: No

20 DEE: And have you ever seen any other person, either a grown up or a kids touching
21 another person... a grown up or kids on parts of the body that they shouldn't be touching?
22 Or Looking at?

0 0357

Scanned Jun 18, 2013

Maggie's House - 52

1 RENE: No

2 DEE: And Rene has anybody ever shown you pictures, movies, magazines or things on the
3 computer where people don't have any clothes on and they're doing things they are not
4 supposed to be doing?

5 RENE: No

6 DEE: No? Anything else Rene, that you think would be important to tell me but maybe I
7 didn't ask you about it or...?

8 RENE: No Ma'am

9 DEE: Well what I'm gonna do Rene is I'm gonna step out real quick and I am going to see
10 if umm the lady from CPS and also Detective Cruz if they have any more questions for me
11 to ask you and I'll be right back. If you want to you can draw something right here. If you
12 don't want to you don't have to. I'll be right back.

13 [leaves room]

14 RENE: [whispering] [inaudible] [drawing]

15 DEE: [reenters room] What are you drawing?

16 RENE: [inaudible]

17 DEE: What is it?

18 RENE: Nothing

19 DEE: Nothing? Renee I just have a couple more questions then...

20 RENE: [inaudible] I think I heard you

21 DEE: You heard me? I was gonna ask you Rene, um Do you ever remember anybody
22 waking up at night? There at you house?

0 0358

Scanned Jun 18, 2013

Maggie's House - 53

1 RENE: No

2 DEE: Do you ever remember hearing anything at night or seeing anything at night?

3 RENE: No

4 DEE: Would anybody ever wake you up cause they needed something.. or..?

5 RENE: Mariah would. She would always uh wake me up and ask m... and she would ask
6 me for water.

7 DEE: She would ask you for water? Do you know if she would ask anybody else for water?

8 RENE: I don't know.

9 DEE: And what would you do when she would ask you for water?

10 RENE: I would get up and get her some water.

11 DEE: ok. And do you remember, like hearing anything after that? Anybody yelling or
12 talking? Or crying or anything like that?

13 RENE: No. I would just go back to sleep.

14 DEE: You would just go back to sleep? Ok. Well, Rene I don't have any more questions to
15 ask you. I really want to thank you for talking to me today. And if there was ever a time
16 where you were not safe or you felt someone was gonna hurt you, who would you tell?

17 RENE: My brother.

18 DEE: Which brother? John? Ok Anybody else besides him?

19 RENE: Daniella. And my mother and dad.

20 DEE: oh. Ok. And I just want you to know Rene, that umm the teachers the counselors the
21 nurse, the principal, the police. They're there to help the kids too. So you can talk to them
22 too. Ok? And we're finished and you can go...

0 0359

Scanned Jun 18, 2013

Maggie's House - 54

1 [end of file VTS_01_4]

2 [Beginning of file VTS_01_5]

3 DEE: ...back out to the living room. Thank you.

4 RENE: welcome [exits the room] [time index 0.00.15.0]

5 [end of file VTS_01_5]

6

7

8

9

10

11

12

0.0360

Scanned Jun 18, 2013

TAB

5

Scanned June 1, 2016



0362

Sc

Jun 18.



PAGE 2

0.0363

Scanned Jun 18, 2013



Scanned Jun 18, 2013

TAB

6

U-0365

Scanned Jun 18, 2013

(84)

On May 15th 2010, I Sonya Chang spoke to Alexandra and Selina Lucio about Mariah Alvarez. I asked Alexandra first, if she had ever hit Mariah and she stated to me "yes". I then proceeded to ask her "How would you hit her?" She just looked at me and started to cry.

I then asked her would you slap her? Punch her? Push her? And she shrugged her shoulder.

I gave her examples as to where on her body and how would she hit her.

She then told me, in front of Selina, (her sister), my mother (Esperanza Trevino) and sister (Diana Corda) that she would punch her in the face & head with her hand closed in a fist position. I asked her why?? and she said she didn't know & con. to cry.

Then I asked Selina if she would hit her and she told me "NO". So I con. to ask Alexandra questions about hitting Mariah.

Selina raised her voice and

PAGE 1

Scanned Jun 18, 2013

284

and was already crying, And said over loud "I would hit her because my mom and Dad were always doing drugs and we had to take care of them!" meaning the younger children.

At this time my mother (Esperanza Trevino) was very upset and said "How could ~~you~~ ^{she} do this to her?" She was only a baby!"

We were all upset at this point, and I knew I was not gonna get anything out of them any more, so I ended the conversation.

Delena then proceeded to call someone to pick her & her sister up.

I then told Delena and Alexandra that we would cont. this conversation at a later time.

I was persistent to talk to them again. But I wait 2 days for things to calm down.

PAGE 2

U. 0367

Scanned Jun 18, 2013

3084

I then proceeded to call
 Alexandra and she did answer.
 I texted Selina, no reply. I
 texted Alex, no reply. I called
 again to Alex's phone and left
 her a voice mail to call me
 back. She called me back right
 away. She then told me that
 she had already talked to her
 sisters and that they all had
 agreed not to say anything and
 that they weren't gonna talk.
 I asked her why? Why wouldn't
 they speak up and say what
 they did. She just said they
 were not gonna say anything.
 I told her couple of things and
 hung up on her.

I then called Danielle Lucio
 their older sister. And I asked
 her why were they refusing to
 speak up. She told me she
 didn't want Alex to get in jail
 and started to cry. But that
 she had already talked to her
 sisters & tried to convince
 them to talk & say what they
 did. But they were refusing.
 I talked to her for a while

PAGE 3

U. 0368

Scanned Jun 18, 2013

404

Then ended the conversation.

Sincerely
Sonya Chavez

Sonya Chavez
Sonya Chavez

SIGNED BEFORE ME THIS 21ST DAY OF JULY 2010.

Melissa Cardona
NOTARY

STATE OF TEXAS
COUNTY OF CAMERON

PAGE 4

U 0369


Scanned Jun 18, 2013

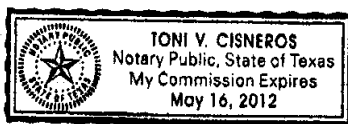
May 2010

On Saturday May 16th
I Esperanza Trevino was
present when Alejandra Marie
Trevino stated that she
would hit Mariah.

X Esperanza Trevino

SIGNED BEFORE ME ON THIS 22nd DAY OF May by
ESPERANZA TREVINO.


NOTARY PUBLIC



PAGE 5

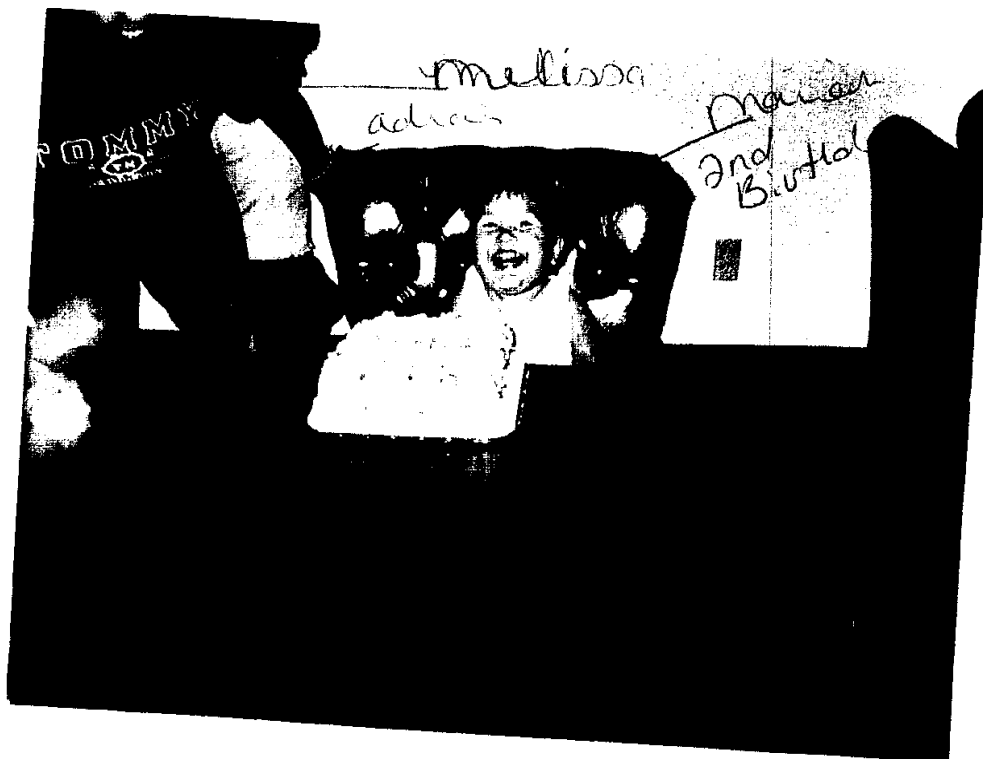
0370

Scanned Jun 18, 2013

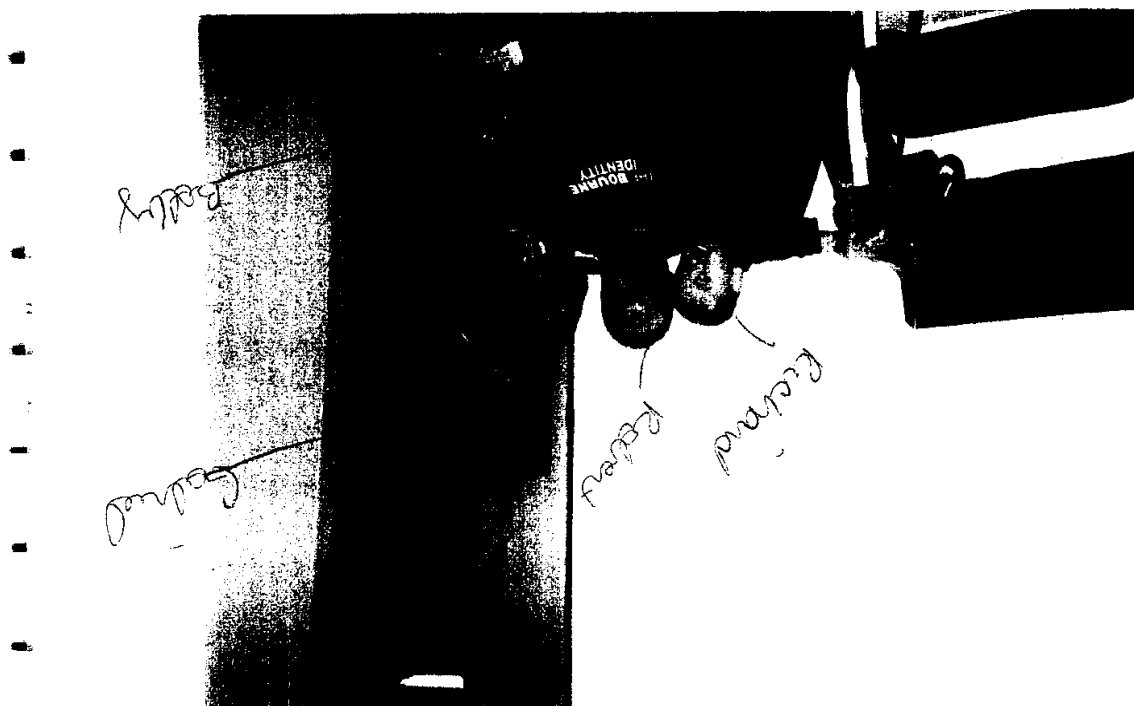
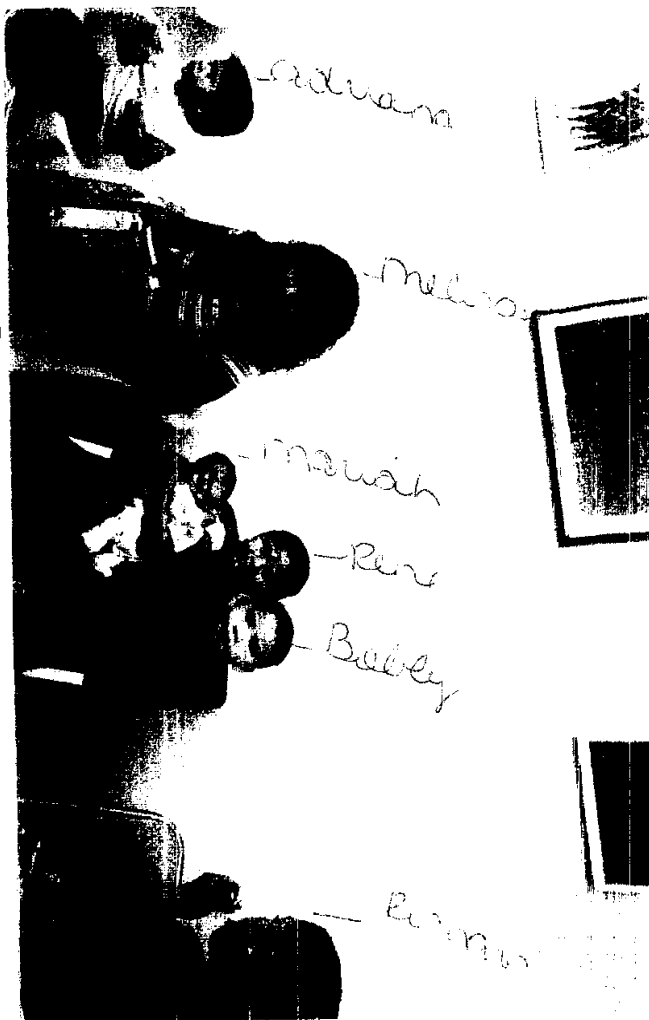


0371

Scan



Scanned Jun 18 2013



all 3 pictures
CPG variations

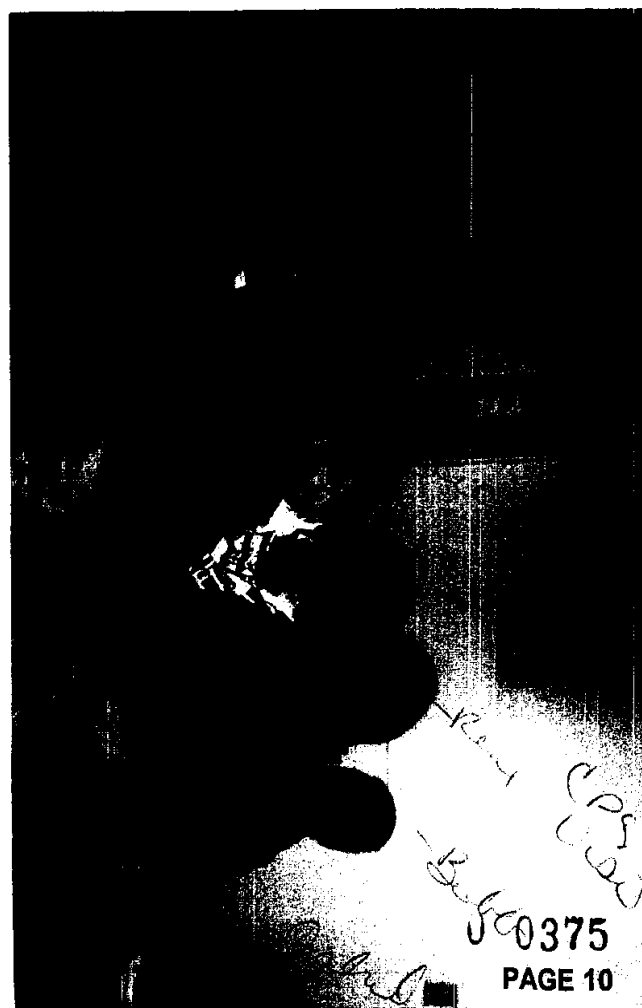
0373

Sc



Two ino.
Aaron
Adrian
Grain





Scanned Jun 18, 2013

TAB

7

Scanned Jun 18, 2013

Counseling Centers Internacional (CCI)

POB 2494 San Juan, TX 78589

CONFIDENTIAL TREATMENT PROGRESS NOTE

Session was held in English and spanish

Client Name: Melissa A. Lucio dob: 6/18/68 SSN # 462-17-7089 Medicaid # not active - in jail Personal ID # 34243867 CASE NAME: Melissa E. Lucio CASE #: 26411580 ATTN: CPS WKR Joanna Estrada Referral Source: TDFPS-Office: Harlingen

Day/Date of Service: Thursday / 2/14/08 Treatment modality: IND / Intake - Social History process Time of Service: from 8:00 to 9:50 Where? County jail Unit Billed: two (2) Payor: CPS; Other:

DSM IV - TR Diagnostic Impressions: Axis I: Cocaine Abuse, in remission (in jail for the past year) Axis II: deferred Axis III: none Axis IV: CPS involvement / in jail pending charges of Capital Murder of her 2 year old daughter Axis X: GAF: 50

Collateral background information (school, case manager, foster family, other): Ms. Lucio has a history of CPS involvement due to issues of drug abuse and neglect of her children. Last year, her daughter fell down the stair from their 2nd story apartment and died. As a result, charges were pressed on both her and her husband, Roberto Alvarez. She was charged with Capital Murder and her husband with Injury to a child. They both have been in jail for about a year now waiting on a trial.

SUBJECTIVE (behaviors observed during session and current symptoms): 1. Ms. Melissa Lucio was open and cooperative during our session. She vented on her history and shared her life with me. She also admitted to being addicted to Rock Cocaine that influenced her for many year.

OBJECTIVE (narrative description of the counseling session, including client's participation): 1. Today we focused the intake process on completing the psychosocial history, treatment plan and explaining and signing off on the all the consent forms. 2. During the gathering of the social history, these are key issues that should be noted: Ms. Melissa Lucio was born in Lubbock Texas and in Harlingen Texas. She states that her parents were never married or lived together. She was raised by her mother for a while and then she got a step dad that helped raised her. She states that her mom was involved with three difference husbands during her childhood. She admits that there was some family violence in her home, but there was no physical or sexual abuse. She also denies any kind of drug or alcohol abuse in her home. She states that she is the oldest of three sisters. She states that she has been married for the past 14 years. She had 14 children. Three of them are old enough and are now living on their own. She has 11 other children that are living in several places. Some are living with in foster care and the others are living with family. She states that she had received counseling services and drug abuse services during her episodes with with CPS. She states that her developmental history was within normal limits and she is in good health. She states that she started to drink at the age of 17 and admits to having one DWI in 2006, which she ended up serving time now that she has been in jail. She states that she drinks anything from 6 to 8 beers when she does drink on the weekends. She states that she did try marijuana several times when she was about 15 years old, but states that she did not like the feeling and did not use it much. She stated that she started to snort cocaine at the age of 15 and used to use from a \$20 to \$40 BAG on the weekends. She admits to starting to use Rock Cocaine and smoking it at the age of 25 and got addicted to it and used it from the age of 25 until the age of 37. She adds that she would use from a \$20 bag to up to an 8 ball per day. She adds that she was using almost every day during this time. She denies any kind of physical, emotional, or sexual abuse during her childhood. She states that she went up to the 11th grade at school, but dropped out because she wanted to get married. She states that she liked spelling the most, but had trouble with math mainly. She stated that she went to vocational school and started studying to be a C.N.A. but dropped out half way through. She states that she has been unemployed now this past year because she has been in jail. She stated that she had jobs as a cashier, telemarketer, and home provider. She stated that she was arrested for DWI in 2006 and did never report for her trial and ended up serving her time in jail now and has time served. She is now pending charges for Capital Murder. She states that she suffers from insomnia and can't sleep at all. She has been in jail for almost a year now

PAGE 1

0377

Scanned Jun 18, 2013

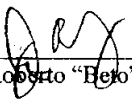
and admits that she just can't sleep thing all the time. She admits that she has a lot of anger inside and feels depressed due to her current situation.

ASSESSMENT (assessment of client's progress toward achieving objective and include unresolved problems): 1. This was our first session and we gathered up all the information for the intake and wrote out the treatment plan's goals and objectives. 2. Ms. Melissa Lucio was open and cooperative during our session. She is under a lot of stress and depression over the incident and is trying to cope with her situation the best that she can.

PLAN (treatment objectives): 1. individual sessions weekly 2. 3. 4.

Recommendations: 1. individual session to help her with her coping skills and problem solving skills. 2. 3.

Next time services to be provided: 1. Feb. 28, 2008 2. when in the area


Jesús Roberto "Beto" Juarez, M.A., LMFT # 4603, LCDC # 6340

DATE: 2/14/08

Scanned Jun 18, 2013

Counseling Centers Internacional (CCI)

POB 2494 San Juan, TX 78589

CONFIDENTIAL TREATMENT PROGRESS NOTE

Session was held in English and Spanish

Client Name: Melissa A. Lucio dob: 6/18/68 SSN # 462-17-7089 Medicaid # not active – in jail Personal ID # 34243867 CASE NAME: Melissa E. Lucio CASE #: 26411580 ATTN: CPS WKR Joanna Estrada – Referral Source: TDFPS-Office: Harlingen

Day/Date of Service: Thursday / 2/14/08 Treatment modality: IND / Intake – Social History process Time of Service: from 9:50 to 10:40 Where? County jail Unit Billed: one (1) Payor: CPS; Other:

DSM IV - TR Diagnostic Impressions: Axis I: Cocaine Abuse, in remission (in jail for the past year) Axis II: deferred Axis III: none Axis IV: CPS involvement / in jail pending charges of Capital Murder of her 2 year old daughter Axis X: GAF: 50

Collateral background information (school, case manager, foster family, other): Ms. Lucio has a history of CPS involvement due to issues of drug abuse and neglect of her children. Last year, her daughter fell down the stair from their 2nd story apartment and died. As a result, charges were pressed on both her and her husband, Roberto Alvarez. She was charged with Capital Murder and her husband with Injury to a child. They both have been in jail for about a year now waiting on a trial.

SUBJECTIVE (behaviors observed during session and current symptoms): 1. Ms. Melissa Lucio was open and cooperative during our session. She vented on her past history of drug abuse and her accident death with her daughter, Mariah. Explaining what happened the time of the accident and her sorrow of not even being allowed to go to her funeral.

OBJECTIVE (narrative description of the counseling session, including client's participation): 1. Today after our intake session we had another session to allow her to vent on the following issues. We discussed her past drug abuse issues and her struggles with her older daughter giving her a hard time and being very rebellious toward them. She also discussed what happened that day that the accident happened. She stated that they lived upstairs. They had a screen door that had a latch to lock it from the inside. But the kids had torn a hole right where the latch was to open it when they wanted to come in. She stated that in that day, the latch was lock and her younger kids were inside the house, but the older ones were playing outside. One of the kids that was outside came upstairs to open the latch to drink something and left without locking it. It was at this time that her daughter, Mariah took off outside and fell down the stair and injured herself severe enough to have caused her death. She cried as she explained that she was devastated by the accident and by the next day, her and her husband were arrested. She was arrested for Capital Murder and her husband for Injury to a Child. She did vent on how if this same accident had happened to a person with money and prestige, this would not have happened to them. That is what causes her so much anger. She adds that the legal system had no compassion to even allow her to go to her own daughter funeral. Stressing that they had convicted her before a trial to find her guilty. So she did not even get a chance to see her one last time to see her. She has a lot of issues that she had to deal with while she is in jail and needs some help to cope.

ASSESSMENT (assessment of client's progress toward achieving objective and include unresolved problems): 1. Ms. Melissa Lucio was open and cooperative during our session. She is under a lot of stress and depression over the incident and is trying to cope with her situation the best that she can.

PLAN (treatment objectives): 1. individual sessions weekly 2. 3. 4.

Recommendations: 1. individual session to help her with her coping skills and problem solving skills. 2. 3.

Next time services to be provided: 1. Feb. 28, 2008 2. when in the area


Jesús Roberto "Beto" Juárez, M.A., LMFT # 4603, LCDC # 6340

DATE: 2/14/08

PAGE 3

0 0379

Scanned Jun 18, 2013

Counseling Centers Internacional (CCI)

POB 2494 San Juan, TX 78589

CONFIDENTIAL TREATMENT PROGRESS NOTE

Session was held in English and Spanish

Client Name: Melissa A. Lucio dob: 6/18/68 SSN # 462-17-7089 Medicaid # not active - in jail Personal ID # 34243867 CASE NAME: Melissa E. Lucio CASE #: 26411580 ATTN: CPS WKR Joanna Estrada - Referral Source: TDFPS-Office: Harlingen

Day/Date of Service: Tuesday / 3/5/08 Treatment modality: IND session Time of Service: from 9:10 to 11:00 Where? County jail Unit Billed: two (2) Payor: CPS; Other:

DSM-IV - TR Diagnostic Impressions: Axis I: Cocaine Abuse, in remission (in jail for the past year) Axis II: deferred Axis III: none Axis IV: CPS involvement / in jail pending charges of Capital Murder of her 2 year old daughter Axis X: GAF: 50

Collateral background information (school, case manager, foster family, other): Ms. Lucio has a history of CPS involvement due to issues of drug abuse and neglect of her children. Last year, her daughter fell down the stair from their 2nd story apartment and died. As a result, charges were pressed on both her and her husband, Roberto Alvarez. She was charged with Capital Murder and her husband with Injury to a child. They both have been in jail for about a year now waiting on a trial.

SUBJECTIVE (behaviors observed during session and current symptoms): 1. Ms. Melissa Lucio was open and cooperative during our session. She went into detail as to what happened from the time of the accident to the time that her husband tried to give her CPR and call the ambulance. Venting on how she did not abuse her in any way and it was all an accident.

OBJECTIVE (narrative description of the counseling session, including client's participation): 1. Today we focused our session on allowing her to go into detail as to what she was doing during the time that the accident happened. Stating that they were all busy packing and moving things around. The kids were running in and out of the house. The screen door to the front door was locked, but someone of her kids came in the house and opened the screen door through a hole that was made to get in and out from the outside. So the door was open and in a matter of a few minutes, her daughter found her way to that open door and went outside. She states that they started to look for her and found her outside getting up from the floor. She had fallen but had gotten up on and appeared okay. She was reacting and seems okay. It was not until the next day that she did not wake up. Stating that her husband ended up having to do CPR on her to try to revive her. She vented on how the medical examiner had told the grand jury that the bruises and head trauma was not from a fall. So they are saying that her daughter was murdered. She was in strong denial that she could ever hurt her daughter like that. She went on to vent on how her family promised to help and did not do anything. As a result, CPS is looking at taking her rights away from her. She is hopeful that her family can come through and help out.

ASSESSMENT (assessment of client's progress toward achieving objective and include unresolved problems): 1. Ms. Melissa Lucio was open and cooperative during our session. She is under a lot of stress and depression over the incident and is trying to cope with her situation the best that she can. She is in strong denial that she abused her daughter in any way that cause her to die.

PLAN (treatment objectives): 1. individual sessions weekly 2. 3. 4.

Recommendations: 1. individual session to help her with her coping skills and problem solving skills. 2. 3.

Next time services to be provided: 1. Mar. 12, 2008 2. when in the area


Jesus Roberto "Beto" Juarez, M.A., LMFT # 4603, LCDC # 6340

DATE: 3/5/08

PAGE 4

0380

Scanned Jun 18, 2013

TAB

8

0381

Scanned Jun 18, 2013

Meeting with John Vincent Lucio
On May 15, 2009

I met with John, age 19 for two hours at the Cameron County Jail, where he has been incarcerated for less than 2 months for violating probation. He was involved in a burglary.

I believe he said that he only lived in Houston for a few weeks with father in 2004. The rest of time in Harlingen with mother and Robert Alvarez, who he calls "DAD" until he went to live with his girlfriend, Iris Cantu and her 4 children in Jan. 2007.

John said he was 4 years old when Robert came to live with them. He said he initially dislike having Robert around but thru the years seeing how committed he was to his mom & all the kids he grew to love him. He said his mother and Robert, did discipline them but never physically abused them. He said he and all his siblings were a rowdy bunch. He said they often fought but never really hurt each other. He said his mother and Robert did drugs . When he confronted them once they explained that it was to relieve stress.

John said he last saw Mariah about 1 ½ wks. before her death. He said she was a " happy go lucky", healthy baby who enjoyed playing with all the other kids. He said Mariah would also join in fights and bite others when angry. He said Mariah enjoyed eating and would eat everything. With tears in his eyes, he said Mariah was always happy to see him, would call his name, as she ran and climb all over him. He described her as " a little angel". He said he never saw his mom or Robert hit Mariah. He said both parents disciplined them but not very often . He said his mom and sisters bathe the little children.

John said his mom usually stayed home while Robert worked odd jobs. He said Robert was always looking and doing jobs such as yard work to pay for household needs especially rent and food. He said if not for Robert or " DAD", they would not have survived. He said he loves his parents and wants to do everything he can to help and is more than willing to testify. Overall, he says that while CPS reports describe his family in negative terms, they all loved each other and their misbehaviors was just because they were too many of them and very poor.

John said his older sister called him the night Mariah died. He said the "ambulance people" were attending to Mariah, who was on the bed. He said afterwards all the family went to police station. He said

PAGE 1

0 0382

Scanned Jun 18, 2013

everything happened so fast . He said as they sat around police station everyone kept talking about Mariah having fallen off stairs from midpoint. Regretfully he said because of pain, he and family members have never discussed Mariah's cause of death. He wishes that his mom's attorney had allowed them to testify at her court hearing last summer.

John is a very smart , insightful , loving and caring individual. He will make an excellent witness.

Carmen D. Fisher, LMSW
Mitigation Specialist

PAGE 2

0 0383

Scanned Jun 18, 2013

TAB
9

Scanned Jun 18, 2013

AFFIDAVIT OF ED STAPLETON REGARDING MELISSA LUCIO

STATE OF TEXAS δ
 δ
COUNTY OF CAMERON δ

BEFORE ME, the undersigned authority on this day personally appeared ED STAPLETON, who after being by me first duly sworn, deposed and said that:

"I am over 18 years of age and of sound mind. I have never been convicted of a felony, I am fully competent to testify to the matters stated below, have personal knowledge of each factual statement made in this Affidavit and they are true and correct."

- a. "I am a lawyer practicing indigent criminal defense in Brownsville, Texas. I was appointed to represent Richard Alvarez, the boyfriend of Melissa Lucio.
- b. "About May of 2008, according to my best calculations, Pete Gilman contacted me asking to speak to my client, Richard Alvarez, to discover what he would testify about his client Melissa Lucio. We went together to the Cameron County jail where he interviewed Mr. Alvarez about the death of Ms. Lucio's daughter Mariah.
- c. "During this time, Mr. Gilman shared his thoughts that his defense would be a fall Mariah had suffered a few days before her death.
- d. "We discussed the need for expert testimony to show the cause of death may have originated a few days before in time rather than on the day of the death. I suggested he speak to a neurosurgeon, Jose Kuri, MD.
- e. "Pete Gilman, his wife Irma, Dr. Kuri and I met at a restaurant and reviewed the medical and autopsy records exploring possibilities for defense theories. I was also interested because I would be able to use this information in defense of my client, Richard Alvarez.
- f. "Both Dr. Kuri and Mr. Gilman informed me later that Mr. Gilman had requested Dr. Kuri be appointed as an expert witness for the trial.

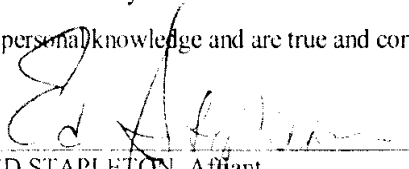
Although I watched some portions of the Ms. Lucio's trial, but only a brief

Ed Stapleton
AFFIDAVIT

Scanned Jun 18, 2013

part of Dr. Kuri's testimony because of other commitments. After I talked to a pathologist, Sridar Natarajan, MD, my theory of the defense for Mr. Alvarez changed so that I wanted to show the short period between Mariah's injury and death, rather than try to relate it back to the fall, so I did not call Dr. Kuri to testify in the trial of Mr. Alvarez."

"The facts herein are within my personal knowledge and are true and correct."


ED STAPLETON, Affiant

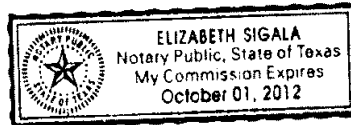
BEFORE ME, the undersigned authority, on this day personally appeared ED STAPLETON, who is personally known to me, to be the person whose name is subscribed hereto and who stated to me under oath that she signed the foregoing instrument for the purpose and consideration therein expressed and the answers are true and correct.

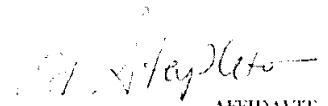
Sworn to and subscribed before me, a Notary Public, on this 27th day of December, 2010.


NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Notary Commission Expires:

10/01/2012




AFFIDAVIT

Page 2

0386

Scanned Jun 18, 2013

TAB

10

Scanned Jun 18, 2013

To Whom It May Concern
5-17-10

My name is Lydia Gutierrez and I am
Melissa Lucio's cousin.

I am writing this letter to let you
know a lil about my Cousin.

When she lived here in Houston TX
with her then husband and 5 kids.

I known her to be a real good mother.

I never seen her spank or yell at her kids.

They were always dressed real nice never messy.

I seen her as loving very attentive and very
patient with her kids.

In my eyes I think she was a wonderful
mother and I give her 100% credit for being
the way she was.

Lydia Gutierrez

PAGE 1

0 0388

Scanned Jun 18, 2013

May 18, 2010

To Whom It May Concern

This Letter is in regards to
the character of Melissa Lucio
I am Ramon Villarreal who
resides in 915 Sharon Circle
Smyrna Georgia
30080

404-454-1935

I grew up with Melissa & also
 babysat her when she was
 young. Her mother and my
 Mother Maria E. Torres
 of 2430 Cesar Mendez of
 Harlingen Texas are Best of
 Friends. Melissa was a
 fun and loving person who
 enjoyed life. Always remember
 her with a big smile and
 always making us laugh.
 Her personality always brought
 a good spirit to anyone who
 surrounded her.

PAGE 2

0389

Scanned Jun 18, 2013

Hope this can help in any
way possible.

I was born & raised in Harlingen
Tx, this is why I know Melissa

For Any Further Information
please feel free to contact
me.

Sincerely
Ramon Villalobos

PAGE 3

0 0390

Scanned Jun 18, 2013

5/17/10

To whom it may concern:

My name is Maria Gutierrez and I am Melissa's Aunt. During the time that she lived in Houston and visited, she always had her kids with her. I never saw her mistreat the kids. She was a very patient parent. If they mis-behaved she would only tell them to behave or sit down, but she never spanked them. After she moved to the valley, I would see her sometimes when we visited, and like always, her kids were always with her. When her husband just took off and left her, she did her best taking care of her children, even though it was rough. Maybe they didn't have much but they were a happy family.

Thanking you in advance
for your concern regarding
my Niece (Melissa).

Maria Gutierrez

PAGE 4

0 0391

Scanned Jun 18, 2013

To who it may concern, 5/17/10

Well you want to know about
Melissa.

What I can tell you is that
she was a kind and caring person.
That care about her kids.

And I know that she was not the
kind of person who hit her kids.

Everytime I would see her, she
always had all her children with her.

Always with a great big smile
on her face. I could tell she loved
her kids very much.

She was a fine person to be
around with. When every you
need someone to help out she was
always there to give a helping
hand, she never said no.

As we grew up together we were
a happy family. But I know deep
in my heart my cuz is a
person you can always count
on to help out and be there
when you need a shoulder to cry
on. That's the kind of person
she was. We miss her very
much.

PAGE 5

Love Her Cuz
Janice DeLeon

0392

Scanned Jun 18, 2013

5-18-10

To whom it may concern,
I Guadalupe De Leon have known
Melissa Lucio since she was a baby.
She married very young but her
marriage didn't work out, and that
left her with five children to raise by
herself. She did her best to provide
for them. Later she met Mr. Alvarez and
with his help they made sure the children
went to school, kept them clean and
well feed. Melissa was a good and loving
Mother, to her, the children always
came first. I never knew of her mistreating
them, and even though she had her own
she loved taking care of her brother's baby.
Any consideration will be greatly
appreciated.

Thank you
Guadalupe De Leon

PAGE 6

0393

Scanned Jun 18, 2013

May 18 2010

To Whom It May Concern:

This letter is in regards
to Melissa Rucio.

I have known Melissa
for more than 38 years.

I know she is a good
person, with a good heart.
Melissa is also my god
daughter, and feel she
knows how to be a
good catholic person.
She was a good person
who always made me laugh
with her smile, jokes she
use to say.

I always have her in my
prayers for I belong to
a group called the Guadalu-
panas.

I hope this can help her
in anyway possible.

PAGE 7

U 0394

Scanned Jun 18, 2013

Please Contact Me For
any Further Information

Sincerely

Mam E Teend

2430 Cesar Menchaca
Harlingen TX 78550
956 577 5835

PAGE 8

0 0395

Scanned Jun 18, 2013

Respectfully Submitted,



Margaret Schmucker
Attorney for Defendant
Texas Bar No. 24030874

Law Office of Margaret Schmucker
512 East 11th Street, Suite 205
Austin, Texas 78701

Phone (512) 236-1590
Fax (512) 524-3479

CERTIFICATE OF SERVICE

I, Margaret Schmucker, certify that today, January 11, 2011, a copy of the
brief for applicant and appendix were served by ^{Federal Express} ~~certified mail~~, No. ~~8663-2191-0887~~
postage prepaid upon counsel for the State Rene Gonzalez and Lane Haygood at:

974 East Harrison St.
Brownsville, TX 78520
(956) 544-0849



Attorney for Applicant, Melissa Lucio

Scanned Jun 18, 2013

CERTIFIED BILL OF COSTS

THE STATE OF TEXAS §

§

COUNTY OF CAMERON §

I, Aurora De La Garza, Clerk of the District Courts of Cameron County, Texas,
do hereby certify that the foregoing is a true and correct account of the costs accrued in
the following entitled and numbered cause:

Cause Number: 07-CR-885-B-WR

The State of Texas	§	IN THE 138 th JUDICIAL
VS.	§	DISTRICT COURT OF
MELISSA ELIZABETH	§	CAMERON COUNTY, TEXAS
LUCIO		

Given under my hand and seal of office in the 30TH day of MARCH, 2011.

Aurora De La Garza
District Clerk

By: Christina Tusa
CHRISTINA TUSA, Deputy



Scanned Jun 18, 2013

CLERK'S CERTIFICATE

THE STATE OF TEXAS §
 §
COUNTY OF CAMERON §

I, Aurora De La Garza, Clerk of the District Courts of Cameron County, Texas,
do hereby certify that the foregoing transcript contains true and correct original copies of
all proceedings as to the Writ of Habeas Corpus in:

Cause Number: **07-CR-885-B-WR**

WRIT I

The State of Texas

VS

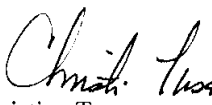
MELISSA ELIZABETH LUCIO

As they appear on file and of record in this office.

Given under my hand and seal of said Court of Cameron County, Texas, on
Wednesday, March 30, 2011.

Aurora De La Garza
District Clerk
Cameron County




Christina Tusa
Deputy Clerk

0 0398